ARGUELLO PROPERTY

Box .....
Index No. .....

This Abstract MUST be returned at once to
JAS. A. CLAYTON & CO.

ABSTRACT OF TITLE
OF PROPERTY OF

James S. Arguello
Number "Two"

The Arguello property S.W. corner of First and San Fernando Streets.

CITY OF SAN JOSE,
COUNTY OF SANTA CLARA
STATE OF CALIFORNIA,
As Shown by the Records of Said County.

Dated October 30 1899

Made at the Request of
C. M. Hatcher.

SAN JOSE ABSTRACT COMPANY
Bank of San Jose Building.
SAN JOSE, CALIFORNIA.

SAN JOSE ABSTRACT CO.

Vol. II.

W. J. Colahan
by
J. H. Morgan,
Tax Collector.
To
Fr. E. Spencer.

Deed.

Dated March 3. 1875.

Sold for the non-payment of State and County Taxes for the fiscal year 1873-74.

Recites: Witnesseth: That whereas Martin Corcoran heretofore and at the time of the levy and publication hereinafter spoken of was Treasurer and Tax Collector of the County of Santa Clara, by virtue of &c. &c.

That the said property was assessed for the fiscal year ending June 30th 1874 for State and County Taxes at $9.973.00 to W. J. Colahan, and to all owners and claimants known and unknown: that the property assessed levied upon and advertised, situate lying and being in the County of Santa Clara, and described thus: In City

of San Jose 49 60/100 feet front by 40 varas deep of Lot 2, Block 1 Range 1, South Land other property was by me said Martin Corcoran, the Tax Collector as aforesaid on the 21st day of February A. D. 1874 in accordance with law offered for sale to pay said taxes, with the costs and charges due thereon, at public auction in front of the County Court House in said County; that at said auction C. Sullivan was the highest bidder, who was willing to take the least quantity of or smallest portion of the interest in said land and pay the taxes &c due thereon, which said taxes including the $2. for the certificate, amounted to $131.14; that the said least quantity of or smallest portion of the interest in said land lying and being within the County of Santa Clara, is as hereinafter described, to wit: In City of San Jose, West 49 60/100 feet front by 40 varas deep of Lot 2 Block 1. Range 1 South Land other property was by said Martin Corcoran, Treasurer and Tax Collector as aforesaid struck

to the said C. Sullivan who paid the full amount of said taxes, costs and charges, and therefore became the purchaser of the last described piece or parcel of land so sold for said taxes aforesaid; that the said real Estate was sold subject to redemption &c. and whereas no person has redeemed the property aforesaid during the time allowed by law &c; and whereas the said C. Sullivan has duly assigned his Certificate of sale and all his rights thereunder unto the said party of the second part as appears from said Certificate of Sale and assignment thereof now on file in the Tax Collectors Office in said County.

Now therefore this Indenture Witnesseth

Cont. p. 131. 1st

Do grant, bargain sell, convey and confirm unto the aforesaid Fra. E. Spencer, and to his heirs and assigns forever, all those lots, pieces or parcels of land so sold and hereinbefore and last described in this deed as fully and absolutely

as I, J. H. Morgan, Tax Collector as aforesaid may or can lawfully sell and convey the same, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining of the said W. J. Colahan and of all owners and claimants thereof Known and unknown in or to the said last above described premises, and every part and parcel thereof and the appurtenances which he or they or either of them had or possessed on the day of said levy or assessment.

Signed J. H. Morgan,
Tax Collector of the
County of Santa Clara

Ackd March 5. 1875
Before C. Finley, County Clerk.

Recorded. April 9. 1875
Liber 35 of Deeds pp. 614.

W. J. Colahan
by
William A. January
Tax Collector of the
City of San Jose
To
Frs. E. Spencer.

Deed

Dated March 9. 1875

For the non-payment of City Taxes for the fiscal year 1873-74.

That the said property was assessed for the fiscal year ending March 31st 1874 for City Taxes at $— to W. J. Colahan and to all owners and claimants known and unknown - that the property assessed levied upon and advertised was situate, lying and being within the City of San Jose, County of Santa Clara and described thus; the West 49 6/10 feet front by 40 varas deep of Lot 2 Block 1 Range 1 South <and other property> was by Wm. A. January, the Tax Collector as

aforesaid on the 24th day of February A.D. 1874 in accordance with law offered for sale to pay said taxes with the costs and charges due thereon at public auction in front of the County Court House in said County. That at said auction, C. Sullivan was the bidder who was willing to take the least quantity of or smallest portion of the interest in said land and pay the taxes &c due thereon which taxes &c, including $2. for the certificate of sale amounted to $178.25; that the said least quantity or smallest portion of the interest in said land lying and being within the City of San Jose, County of Santa Clara as is hereinafter described to wit: the West 49 6/10 feet front by 40 varas deep of Lot 2, Block 1, Range 1 South & and other property, was by me the said William A. January, Treasurer and Collector as aforesaid struck off to the said C. Sullivan, who paid the full amount of said taxes &c. and therefore became the purchaser of the last described

piece or parcel of land so sold for said taxes as aforesaid, that the said real Estate was sold subject to redemption &c. and Whereas no person has redeemed the property aforesaid during the time allowed by law for its redemption &c. And Whereas the said C. Sullivan has duly assigned his Certificate of Sale and all his right thereunder unto the said party of the second part as appears from said Certificate of Sale and assignment thereof now on file in the Tax Collectors Office in said City.

Now Therefore this Indenture Witnesseth.

Cons. $78.25

Do grant, bargain sell, convey and confirm unto the aforesaid Mrs. E. Spencer and to her heirs and assigns forever, all those lots, pieces or parcels of land so sold and hereinbefore and last described in this deed as fully and absolutely as I William A. January, Tax Collector as aforesaid, may or can law-

fully sell and convey the same. Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining of the said H. J. Levlahan and of all owners and claimants thereof known and unknown in or to the last above described premises and every part and parcel thereof, with the appurtenances, which he or they or either of them had or possessed on the day of said levy or assessment.

Signed Wm. A. January
Tax Collector of the
City of San Jose.

Ackn^d March 9. 1875
Before Jno. B. Hewson. N.P.

Recorded. March 9. 1875
Liber 35 of Deeds. pp. 607.

Moses O'Connor
by
William A. January,
Tax Collector of the
City of San Jose,
To
Frs. E. Spencer.

Deed

Dated March 9. 1875

For the non-payment of City Taxes for the fiscal year 1873-74.—

That the said property was assessed for the fiscal year Ending March 31st 1874 for taxes at $— to Moses O'Connor and to all owners and claimants known and unknown, that the property assessed, levied upon and advertised was situate, lying and being in the City of San Jose, County of Santa Clara, and described thus: 139½ front on South side of San Fernando Street by 40 varas deep, bounded East by lot of Auth-

erford; West by land of Col=
ahan, and being part of Lots 1
and 2, Block 1, Range 1, South,
and the improvements thereon
was by William A. January Tax
Collector as aforesaid on the
24th day of January A. D. 1874
in accordance with law offered
for sale to pay said taxes with
the costs and charges due there=
on at public auction in front
of the County Court House in
said County; that at said Auc=
tion Frank Collins and S. C.
Fleschman were the bidders who
were willing to take the least quan=
tity of or smallest portion of the
interest in said land and pay
the taxes and costs and charges
due thereon, which taxes &c. in=
cluding $2. for the Certificate of
Sale, amounted to $84.61; that the
least quantity or smallest por=
tion of the interest in said land
lying and being within the
City of San Jose, County of Santa
Clara, as is hereinafter described

to wit: 1/81 of 139½ feet front on South side of San Fernando Street by 40 varas deep; bounded East by lot of Rutherford, West by land of Colahan, and being part of Lots 1 and 2. Block 1 Range 1 South, was by the said William A. January, Treasurer and Collector as aforesaid, struck off to the said Frank Collins and S. C. Fleishman who paid the full amount of said taxes, costs and charges and therefore became the purchaser of the last described piece or parcel of land so sold for said taxes as aforesaid; that the said real Estate was sold subject to redemption &c.

And whereas no person has redeemed the property aforesaid during the time allowed by law for its redemption &c.

And whereas the said S. C. Fleishman duly assigned said Certificate of Sale to said Frank Collins,

And whereas the said Frank

Collins has duly assigned his Certificate of Sale, and all his rights thereunder unto the said party of the second part as appears from said Certificate of Sale and assignment thereof, now on file in the Tax Collector's Office in said City.

Now Therefore this Indenture Witnesseth,

Cont. of 81. E

Do grant, bargain, sell, convey and confirm unto the aforesaid Jas. E. Spencer and to his heirs and assigns forever, that lot, piece or parcel of land so sold and hereinbefore and last described in this Deed as fully and absolutely as I William A. January, Tax Collector as aforesaid may or can lawfully sell and convey the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining of the said Moses O'Connor, and of all owners

and claimants thereof known and unknown in or to the said last above described premises and every part and parcel thereof, with the appurtenances which he or they or either of them had or possessed on the day of said levy or assessment.

(Signed) William A. January
Tax Collector of the City
of San Jose.

Ackn^d March 9. 1875
Before Jno. B. Hewson. N. P.

Recorded. April 9. 1875
Liber 35 of Deeds. Pp. 610.

Francis E. Spencer and
Benjamin P. Rankin
To
Alexander H. Rutherford.

Deed.

Dated July 13, 1875

Cons. $7500.00

Doth grant, bargain, sell, convey and confirm unto the party of the second part and to his heirs and assigns forever, all that certain lot or parcel of land, bounded and described as follows, to wit:—

Commencing at a point on the Southerly line of San Fernando Street distant 68 feet Westerly from the West line of First Street: thence Southerly and at right angles with San Fernando Street and along the Westerly line of the lot now owned by said Alexander H. Rutherford 119.80 feet to the Northerly line of lands now in possession of Edward Albon: thence Westerly and along the Northerly line of the lands of said Albon 50.02 feet: thence Northerly and along the Easterly line of the Lot of J. T. Colahan 118.16 feet to the said Southerly line of San Fernando Street:- thence Easterly and

along said Southerly line of San Fernando Street 50 feet to the point of beginning.

Covenant of Warranty against the parties of the first part, their heirs and assigns and against all and every person and persons whomsoever lawfully claiming or to claim the same.

Ackn^d July 13, 1875

Before Chas F. Wilcox, N.P.

Recorded July 16, 1875.

Liber 36 of Deeds, page 417.

Antonio M. Pico
To
James M. Jones.

Deed

Dated August 9. 1840

Cons $3000.00

Do give grant bargain sell and convey unto the said James M. Jones his heirs and assigns a certain tract of land in the Town of San Jose being a part of Lot No one in Rock one and Range one South of the base line. Commencing at the North West corner of said lot running thence along First street a distance of 40 Spanish varas thence Westerly and parallel with San Fernando street a distance of twenty Spanish varas, thence nearly parallel with First street a distance of 40 Spanish varas to San Fernando street, thence Easterly along San Fernando street a distance of 20 varas to the place of beginning. This deed being of 40 varas on the corner of First and San Fernando streets by

20 varas in depth on San Fernando street. Full covenant of Warranty.

Ackn'd August 9. 1850
Before John T. Richardson
County Recorder.

Recorded August 9. 1850
Book A of deeds page 313.

In the Probate Court, in and for the County of Santa Clara, State of California

In the Matter of the Estate of James M. Jones, Deceased.

Register "A", page 170

Cause No. 58.

1851 Dec 17	Will of Deceased filed.
" 23	Order made and entered as follows:- Now comes N. C. Melone and files the last Will and Testament of James M. Jones for Probation and asks for Letters Testamentary on said Will. It is ordered by the Court, that notice of the said Application to Probate said Will be published in the "San Jose Weekly Visitor" or in the "Alta California" in the Alternative, and that said hearing will be

had at the next term of this Court.

It is further ordered by the Court that N. C. Melone be, and hereby is appointed Temporary Executor of said Estate, Whereupon he was duly sworn as such.

It is further ordered that Chas White, C. T. Ryland and John Yonty be, and they are hereby appointed temporary Appraisers and they were duly sworn as such temporary Appraisers.

Liber "A", Minutes, page 134.

Note - Petition of Melone, not on file

1852

Jany 5 "In Vacation" Order made and entered as follows: N. C. Melone is hereby appointed Special Administrator of the Estate of James M. Jones deceased. He shall care for the Estate, collect debts, sell such property as the Probate Court may order and exercise such other powers and duties as may hereafter be delegated to him by the Probate Court, (by Law) and as such Special Administrator he is —

required to enter into Bond as the Law directs in the sum of $3000.00.

1852.

Jany 5 Bond of N. C. Melone as Special Administrator filed.

" " Letters filed.

Jan'y 27 Affidavit of A. Jones Jr. of publication of notice of time for proving Will, filed as follows:-

"A. Jones Jr. Printer of the "San Jose Weekly Visitor" duly sworn says that the annexed notice in the Estate of James M. Jones deceased, (printed copy of notice annexed, appointing the 1st day of the January term, A. D. 1852, for proving said Will and hearing the application of N. C. Melone for Letters Testamentary thereon) was published one week in that paper January 2d 1852.

Sworn to January 27, 1852.

Before R. B. Buckner, Deputy Clerk.

Jan'y 29 Order made and entered, as follows:

"In this case N. C. Melone having filed the Last Will and Testament of James M. Jones, deceased, for probation and proof having been made of due notice given of said application and the evidence of C. T. Ryland, John H. Moore and N. C. Melone being heard and no opposition being made, and the Court being satisfied that said Will had been regularly made, It is therefore ordered by the Court, that said Will be admitted, filed, recorded, and confirmed as probated.

Liber "A." Minutes, page 155

The said Will is dated September 4th, 1851, and devises and bequeaths the Estate of Testator as follows:-

I, James M. Jones, by the grace of God, of sound discretion, by this my last Will and Testament, do will and bequeath unto Dr. J. L.

Hornsby of Paquemine, La., all my real and personal property wherever situate, in trust, for the use of his Children, Joseph Dashiell and Arabella Lewis Hornsby in equal portions, or if either should die, before majority, then, for the sole use of the survivor, provided however, that the said J. L. Hornsby, shall have full power to sell the said property or dispose of the same as he may deem proper, and use the funds according to his discretion, as he thinks may best accord with the interests of the said children.

And the portion of the said J. L. Hornsby shall be given him, deducting losses, expenses etc., when he shall be twenty one years of age, and that of Arabella L. Hornsby, or what remains after said deductions, shall be given her at the age of eighteen years, or sooner if she marry with the consent of her father or guardian.

The above disposition is made

subject to a deduction of ten per cent, which the said Hornsby shall take from the cash value of my property and apply towards building a tomb for the body of my mother, provided the cash value of said property shall exceed $5000.00.

I appoint H. C. Melone or J. J. Kendrick in the alternative to take charge of, and administer upon my estate until the same can be taken possession of by said J. L. Hornsby, but they shall deliver to him possession thereof on demand.

I hereby revoke and annull all testaments made by me anterior hereto.

Made at Iberville Parish, Louisiana, 4th day of September 1851.

(Signed) James M. Jones.

Attest-

H. H. Taylor

Paul Devleinx

Ackn'd September 4, 1851.

Before L. Petit, Recorder and Not. Pub. Parish of Iberville, Louisiana.

Paul Devleiux, Clerk 6th Judicial Dist. Court, Parish of Iberville, State of La, certifies under date Sept 4, 1851, that L. Petit whose Notarial Certificate is annexed, was at that date, Recorder and Ex Officio Notary Public, in and for said Parish of Iberville.

Recorded Liber "A" of Wills, page 12.

February 23 Order made and entered that F. Hall and T. B. Godden be appointed Appraisers of said Estate in the place of John Yontz and Chas. White.

Liber "A" Minutes, page 160.

April 12 Renunciation of N. C. Melone as Executor, filed.

" 13 Order made and entered as follows:

N. C. Melone having filed his renunciation of the Executorship of said Estate, it is ordered, that he turn over to John Yontz, Public Administrator

all property, papers, documents &c., belong to said Estate and to settle with said Public Administrator

Liber "A" Minutes, page 194.

April 29 - Order made and entered, That the firm of Minor and Campbell be, and they are hereby appointed Attorneys for the absent and infant heirs of said Estate

Liber "A." Minutes, page 197

May 1 Order made and entered appointing Frederic Hall, Francis Lightston and Isaac Branham Appraisers of said Estate.

Liber "A" Minutes, page 205.

July 3d Inventory and Appraisement filed, and shows the following, (among other) Real Estate:-

"One Lot of land situate in the City of San Jose and known as part of Lot No. 1, Block 1, Range 1, South of the base line, purchased from Antonio M.

Pico, August 9, 1850, Valued at $60.00

1854

April 24 Order made and entered, that Frederic Hall be, and he is hereby appointed Attorney for the Absent and Minor heirs of said Estate.

Liber "A" Minutes page 437.

1855

July 7 Petition of John Yontz, for Letters of Administration filed. And shows to the Court:- That J. M. Jones died in the County of Santa Clara in the year 1851, intestate as this petitioner is informed and believes; That said decedent was a resident of and left a large amount of both real and personal property in said County at his death:- That petitioner has heretofore had charge of said Estate as Public Administrator in and for said County, under and by virtue of an order of the Probate Court. That Petitioner has lately been re-appointed Public Administrator of said County and has qualified under said appoint-

ment and given the necessary bond.
Petitioner therefore prays that Letters of Administration be granted to him &c.

July 7 Order made and entered that the hearing of said Petition be set for the first day of the next term of this Court, to wit:- Monday August 6, 1855. and that the Clerk give notice thereof as required by law.

Liber "B" Minutes, page 43.

" 23 Certificate of Wm McCutchan Sheriff, by D. Melone Deputy Sheriff, of posting Notices filed as follows:-
"I hereby certify that I have this day posted copys of the within (Notice appointing day of hearing petition of John Yontz for Letters of Administration) in 3 public places in Santa Clara County.

" 31 Final Report of Jno. Yontz filed.

" " Order made and entered allowing

said account and that said John Yontz, turn over to A. B. Caldwell the present Public Administrator, all moneys, papers, goods and effects in his, the said John Yontz's hands.

Liber "B" Minutes, page 129.

1857

Sept. 25 Petition of Joseph L. Hornsby for Letters of Administration filed. And shows to the Court, that James M. Jones died in said County in the year 1851. That at the time of and immediately previous to his death he was a resident of, and residing in said County and had a considerable amount of property, both real and personal therein. That at the time of his death, he left a Last Will or Testament, which has been duly probated in said County, but the executors named in said last Will or Testament, failed and refused to qualify or act as such and still refuse so to do. That said Estate has been partly Administered by some Kind of informal

Administration, but has never been fully administered.

That at this time, there is no legally appointed Administrator having charge of said Estate, nor has said Estate any legal representative.

That the business of said Estate is yet unsettled and that there is no person who has a right to take possession and contral of the property of said estate and settle the same.

The undersigned petitioner, therefore represents, that he is the sole legatee of said estate and interested in having the same preserved and finally settled.

He therefore prays this Hon. Court to appoint him Administrator with the Will annexed.

Oct. 16 Notices for posting issued, appointing hearing of said petition for October 27, 1857.

Oct 27 Printed notice of time for hearing petition of Joseph L. Hornsby for Letters of Administration filed with the following return thereon:-
"I have posted up a copy of the within in 3 public places in the City of San Jose, County of Santa Clara, Oct 16, 1857.
(Signed) Jno. M. Murphy, Sheriff
By Timothy McCarthy
Deputy Sheriff

" " Order made and entered as follows:- This being the time and place set for hearing said petition and it being proved to the satisfaction of the Court by the record evidence herein, that due and legal notice of the filing of said petition and of the time and place set for hearing the same had been given by posting Notices thereof in 3 of the most public places in this County for at least 10 days next preceding the day set for hearing the same, to wit:- this day. - It is

adjudged and decreed by the Court, that the said petitioner Joseph L. Hornsby be and he is hereby appointed Administrator with the Will annexed of the Estate of James M. Jones deceased. And it is ordered that the said Joseph L. Hornsby do file in this Court a good and sufficient Bond as required by Law in the penal sum of $5000.00 as such administrator and that upon filing said Bond the Clerk of this Court, do issue to said petitioner Letters of Administration with the Will annexed on said Estate.

Liber "B" Probate Records, page 201

Octo 30 Bond filed and approved.

Nov. 14 Oath of Joseph L. Hornsby as Administrator of the Estate of James M. Jones, deceased, filed.

(Subscribed and sworn to before Jno. B. Hewson, Clerk.)

Note.- The Letters of Administration not on file or of Record.

Dec 16 Order made and entered appointing N. C. Melone, Davis Divine and Moses Schallenberger appraisers.

Liber "B" Minutes, page 205.

" " Affidavit of publication of Notice to Creditors filed.

Givens George being duly sworn, saith, that I am one of the Publishers of the "San Jose Tribune", a newspaper published once a week in the City of San Jose, County and State aforesaid, and that the above Notice marked A. <annexed is a printed copy of Notice to Creditors to present their claims, with vouchers to Joseph L. Hornsby Administrator at his place of business in the City of San Jose, within 10 months from date, and Dated November 5, 1857>

was published in said newspaper once a week for the period of three weeks, commencing Nov. 6, A.D. 1857 and ending Dec. 4, A.D. 1857.

Subscribed and sworn to December 16, 1857 before Jno. B. Newson Clerk, By

Levi P. Peck, Deputy.

Note The order of publication of notice to Creditors, if ever made, was not entered upon the Minutes, nor is such an order among the papers in the case.

Dec. 31 Inventory and Appraisement filed, - including the following described property: "One lot in San Jose, part of Lot one South of the base line 70 by 40 Varas on the corner of First and San Fernando Streets."

<A. M. Pico> $500.00

1860

Feby 3 Final account of J. L. Hornsby, Administrator filed.

" 13. Notices issued appointing Wednesday, February 29, 1860 for hearing said Settlement.

" 14 Printed Notice fixing day of settlement of account filed with the following Return thereon:-

"Sheriff's Office Santa Clara Co
"Feby 13, 1860.

"I hereby certify that I have this day published the within notice by posting 3 copies of the same in 3 public places in this County one of which places was at the door of the Court House in San Jose".

(Signed) Jno. M. Murphy
Sheriff.
By Wm McCune
Under Shiff

Feby 14 Order and Decree made and entered wherein and whereby it is ordered by the Court that said final account be and the same is hereby passed, approved and allowed. And it appearing to the Court, that said Joseph L. Hornsby is sole legatee and devisee in the Will of said James M. Jones, deceased, in trust for others, and under said Will said Hornsby is entitled to retain the whole of said Estate, and it appearing that all debts and demands against said Estate have been paid, and that more than ten months have expired since the publication of Notice to Creditors of said Estate, It is further ordered and decreed, that upon the payment of the Costs of Administration in this Court, that said Administrator be fully discharged from his trust and that said Joseph L. Hornsby retain

and hold the remaining portion of said Estate under and in accordance with the provisions of said Will.

Liber "B" Probate Records p. 358

Arabella L. Hornsby
To
J. L. Hornsby

Power of Attorney

Dated November 3, 1859.

Do hereby make, nominate and appoint J. L. Hornsby my true and lawful Attorney and general Agent for me and in my name to do all acts whatsoever concerning my estate, both real and personal which I myself might do were I personally present:- for me and in my name to bargain, sell, enfeoff, release and convey any or all my real estate and any interest that I may have in or to any real estate, to make all necessary covenants and warranties in selling or conveying the same, to make acknowledgments and deliver Deeds or other sufficient conveyances for the same. Also, for me and in my name, to make compromises and to do all and everything concerning my estate as fully and effectually as I myself could do

were I personally present.

And I do hereby acknowledge, ratify and confirm all sales, enfeoffments, releases and conveyances, covenants, warranties, collections and receipts heretofore made for me and in my name, by my said Attorney.

Ackn^d November 3, 1859

Before Charles L. Thomasson
Commissioner for California
In the State of Kentucky.
(at Jefferson County)

Recorded December 16, 1859.

Liber "A" Powers of Attorney, page 345.

Arabella L. Hornsby, for herself
and Joseph L. Hornsby for himself
and as Trustee of his children
Arabella L. Hornsby and
Joseph D. Hornsby, under the
Will of James M. Jones, deceased,
To
William T. Wallace
and Cains T. Ryland

Deed

Dated September 24, 1857.

Cons. $500.00

Do grant, bargain, sell and convey unto them the said parties of the second part and unto their heirs and assigns forever, that certain tract of land in the City of San Jose, being a part of Lot No. one in Block No. one in Range No. one, South of the base line, commencing at the North West corner of the portion of the said lot hereby conveyed, said North West corner being at the junction of First and San Fernando Streets, running thence

Southerly along First Street a distance of 40 Spanish Varas: thence Westerly and parallel with San Fernando Street a distance of 20 Spanish Varas: thence Northerly and parallel with First Street a distance of 40 Spanish Varas, to San Fernando Street: thence Easterly along San Fernando Street a distance of 20 Spanish Varas to the place of beginning.

The premises hereby conveyed or intended so to be, being 40 Varas on the corner of First and San Fernando Streets by 20 Varas in depth on San Fernando Street.

(Signed) J. L. Hornsby (Seal)
Arabella L. Hornsby (Seal)
By J. L. Hornsby (Seal)
her Attorney in fact.

(Copy of Acknowledgment.)

State of California }
County of Santa Clara } -ss

On this 24th day of September A.D. 1857, before

me, a Notary Public, in and for said County, personally came Joseph L. Hornsby personally known to me to be the person described in, and who executed the foregoing instrument of writing and who acknowledged to me that he executed the same, freely and voluntarily, for the uses and purposes therein mentioned, for himself and as the Attorney in fact of Arabella L. Hornsby and as the devisee in trust, for his children, under the Will of James M. Jones, deceased.

In testimony whereof, I have hereunto set my hand and affixed my Official Seal, this, the day and year last before written.

(Signed) A. O. Naughton,
Notary Public

Seal

Recorded September 24, 1857
Liber "L" of Deeds, page 161.

William T. Wallace
To
Cains T. Ryland

Deed.

Dated January 25, 1860.
Cons. $6750.00.

Do sell, convey and quit claim unto the said Ryland and to his heirs and assigns forever all his right, title, interest and claim, both at law and in equity, in possession and in expectancy, of, in and to, the following described pieces, parcels and tracts of land, all lying in the City of San Jose, to wit:-

All that tract of land known as a part of Lot No. one, Block No. one, Range No. one, South of the base line. Commencing at the junction of First Street and San Fernando Street and running Southerly, along the Western side of First Street, the distance of 40 varas: thence Westerly parallel with San Fernando Street 20 varas: thence Northerly parallel with

First Street, to San Fernando Street: thence Easterly along San Fernando Street to the place of beginning.

Having a front of 40 varas on First Street and 20 varas on San Fernando Street. (and other property)

Ackn^d January 25, 1860
Before Sherman O. Houghton, N.P.

Recorded January 25, 1860
Liber "N" of Deeds, page 61.

Sherman O. Houghton
James C. Cobb and
Lawrence Archer
As the Board of Commissioners of the
Funded Debt of the City of San Jose.
To
Caius T. Ryland.

Deed.

Dated January 25, 1860.

Cons. $1.00

Do remise, release and quit claim unto the party of the second part and to his heirs and assigns forever, all the right, title and interest of the parties of the first part as said Board of Commissioners, acquired by them, by, through or under a certain deed of Conveyance from the City of San Jose, bearing date August 4, 1858 and recorded in the office of the County Recorder of Santa Clara County on pages 672 and 673 in Book "I" of Deeds, in and to all those certain tracts or parcels of land in the City of San Jose and designated as a part of Lot No one Block one Range one

South and having a front of 40 varas on First Street and 20 varas on San Fernando Street and being at the South-west corner formed by the intersection of said Streets. (and other lots)

Ackn^d January 26, 1860

Before Peter O. Minor N. P.

(Endorsed)

"Sanctioned and approved by the City Government, of the City of San Jose February 6, 1860"

(Signed) "Wm R. Davis
City Clerk"

"Thomas Fallon,
Mayor of the City of San Jose"

Recorded January 26, 1871

Liber 20 of Deeds, page 195

Dains T. Ryland
To
Alexander W. Rutherford

Deed.

Dated April 9, 1872

Cons. $21,000.00

Does grant, bargain, sell and convey unto the party of the second part and to his heirs and assigns forever, all the following described lot, parcel or tract of land in the City of San Jose, being a part of Lot No. one, in Block No. one, in Range No. one, South of the base line, Commencing at the junction of San Fernando and First Streets and running thence on the Westerly line of First Street 122 feet, more or less, to the present possession of Edward Hebon: thence at right angles, Westerly and parallel with San Fernando Street 68 feet and 6 inches, more or less, to the present possession of the Pico family: thence Northerly and parallel with First Street, 122 feet more or less to San Fernando Street: thence Easterly and along the Southerly line of San Fernando

Street 68 feet and 6 inches, more or less, to the place of beginning.

Ackn^d April 9, 1872.

Before Thos Bodley, N.P.

Recorded April 11, 1872.

Liber 25 of Deeds, page 28

Jose Antonio Higuera
To
Juan Bernal.

Deed

Dated April 17. 1843.

Yo Jose Antonio Higuera certifico < con convenio de mis hijos > que por este excedo el derecho que obtengo como dueño propio que soy del solar casa y arboles que se hallan en la inmediacion de S. Anastasio Alviso y Dn. Leandro Rochin a Dn. Juan Bernal por la cantidad de trenta y dos pesos mistnos que se destinan a los gastos de misa y en tierra que se le deben que hacer a mi finada esposa. Ambrosia Pacheco y que dare satisfachos con los vendos que dho Bernal me entregue de los aeredores dho solar tiene el numero de vs. que por el cerco que se circulan se conoscan y para los fines convengan doy este en presencia del juez de paz y de los testigos de assa. Dn

Dolores Pacheco y Dn Maximo
en el Pueblo de San Jose a 17 de
Avril de 1843 -

a ruego del interesado
Jose Garcia.

Salvio Pacheco

Maximo Martinez

Jose Dolores Pacheco

Certifico ser copia de original
San Jose Gpe Marzo de 31 de 1849.
Antonio Mª Pico.

Recorded in
Book 5 Records page 7.

Juan Bernal
To
Ricardo Juan Forcada

Deed.

En el Pueblo de San Jose Guadalupe a los catorce dias del mes de Agosto de mil ochocientos cuarenta y nueve ante mi, Jose Fernandez, Alcalde 2d de esta Municipalidad y ante los testigos de asistencia con quienes actuo en la forma establisada amos de los instrumentales de que al fin dara razon se hara mencion parecio de presente el ciud.o Juan Bernal y dijo que porsi y a nombre de sus sucesores y herederos y quien de ellos hubiese titulo los y causa bende y da en publico venta y enagenacion perpetua veinte y tres varas de Solar en la culata de su casa por la parte del Norte siendo los vrinte y tres varas de frente y di fondo todo lo que estava occupado con mi serca como consta de la escritura que esta Archibado en el libro de asientos

con fha delaño cuarente y nueve
el dicho solar con todo el derecho
que del le pertenece lo vende a
Ricardo Juan Forcada en la cantidad
de dos mil docientos pesos en plata,
dando desde esta fha por concluido
el contrato y por tanto ledo, todo
el derecho de propriedad consesion
y posecion que tiene de dha parte
del solar al mencionada Ricardo
Juan Forcada y desde hoy en ade-
lante y para siempre se desapodera
quita y aparta a sus herederos y
susesores del dominio posecion y otros
cualesquira derecho que le competan
al mencionada solar lo sede a falor
del comprador para que lo posea y
goce pacificamente y haga de el eluso
que le combenga y por derecho le
compete y para que no nesesite tomarla
quiere y consiente se le de copia de
esta escritura cin la cual sin otro
acto de apreencion ha desir bisto haurla
tomado en virtud en esta venta se
obliga el ortorgante su persona y vienes
habidos y por haser y conellos se somete
a fuero y jurisdicion de los senores jueses

que del caso deban conocer de cualquiera estado qué sean para que asu cumplimiento lo estrechen como por sentencia pasada en autoridad de cosa jusgada renuncia las seyes a su favor en culla virtud asi lo ortorgo. y firmo por ante mi y los tesigos de hasistencia a falta de Escribano publico siendo los instrumentales los C. C. Antonio Mª Pico y C Simond presentes y besinos dege doy fe- Juan Bernal-

Jose Fernandez.

C. Simond, testigo:

Por Rafaela Felis, Mariano Pacheco. Testigo.

Antonio Mª Pico. Es copia de su original a que me remito fha ut supra.

Jose Fernandez,
Alcalde 1d

Recorded in Book 5 Deeds, page 200.

A duplicate of the foregoing deed is recorded in same Book, page 296, with the additional attestation.

"Por Dn Juan Bernal haviendo

declarado no saber firmar.

"Qa Simond

"Jose Fernandez

"Alcalde 2d.

"Por la sra Rafela Feliz

"Mariano Pacheco

"Antonio Ma Pico.

"Asistencia.

Pueblo de San Jose stre 29 de 1849.

Es copia sacada a la letra del original, que para en poder del interesado

Jose Fernanandez,

Alcalde 2d.

Ricardo Juan Forcado
To
Augustin Chatelle

Deed.

En el Pueblo de San Jose de Gde. a los cuatro dias del mes de Octubre de mil ocho cientos cuarenta y nueve ante de mi José Fernandez Alcalde 1d de este Distrito y ante los testigos de asistencia con quienes actuo en la forma establecido amas de los instrumentales de que el fin se hara mencion parecio de presente el ciudadano Ricardo Juan Forcado y dijo que pos, si y a nombre de sucesores y herederos y quienes de ellos truvies en titulo voz y causa vende y da en publico renta y enagenacion perpetua viente tres varas de tierra situado en el Pueblo de San Jose de Guadalupe Norte de la casa de Dn Juan Bernal y el frente en San Jose St y corriendo al esta hasta llegar a 1st Street <first> El dicho solar con todo el derecho a el le pertinece le vende a Don Augustin Chatelle en la cantidad de cuatro mil pesos <4000> y a demas

doy en el contrato seis mil adobes (6000)
dando desde este fecha por concluida el
contrato y por tanto sedo todo el derecho
de propriedad y posesion de dicho solar
al mencionado Dn Auguestin Chatelle
y desde hoy en el adelante y para siem-
pre se desapodera a quita y aparta y
sus herederos y sucesores del dominio
posesion y otra cual quiera derecho
que le competan al mencionado solar lo
cede a favor del compredor para que lo
posea y gace pacificamente y haga de
el el uso que le convenga y por derecho
le compete y enta virtud de esta venta
se obliga el ortorgante su persona y
bienes abidos y para haber y con ellos se
somete al fuera y jurisdiccion de los
Srs. Jueces que del caso debe conocer de
cualquier estado que sean para que a
su cumplimiento lo estreshan como por
sentencia pasado en autoridad de
de cosa jusgada renuncia las leyes
a en favor en enya virtud asi lo
ortorga y firma por ante mi y los testi-
gos de asistencia y falta de escritano
publico siendo los instrumentales los
Srs. presentes Jose Fernandez 2d Alcalde.

Ricardo Juan Forcado

A.
Diego Guillermo
Weekes
A.
Charles White.

Certifico ser copia sacada a lo letra del original que pasa en poder del interesado.

Jose Fernandez
Alcalde 2d

Recorded
Book 5 Deeds, page 344

Sherman O. Houghton,
James C. Cobb and
William Daniels, as the Board
of Commissioners of the Funded Debt of
the City of San Jose.
To
Augustin Chatelle

Deed.

Dated December 30, 1861

Cons. One Dollar.

Do remise, release and quit claim unto the party of the second part and to his heirs and assigns forever, all the right, title and interest of the said parties of the first part as said Board of Commissioners, acquired by them, by, through or under a certain Deed of Conveyance from the City of San Jose, bearing date August 4, 1858 and recorded in the Office of the County Recorder on pages 672 and 673 in Book "I" of Deeds, in and to all that certain tract or lot of land in the City of San Jose, bounded on the South by

the premises of Juan Bernal, and on the North by the premises of Antonio Mª Pico, and being part of Lots 3 and 4 in Block one, Range one, South of the base line and having a front on San Jose Street of of 23 Varas and extending to First Street <And other property.>

Ackn^d January 2^d 1862
Before James A. Clayton County Clerk
<Attested by "My Official Seal">

The following endorsement follows the Acknowledgment upon the Record. —

"This Conveyance was sanctioned and approved by Ordinance passed January 6th 1862. and sanctioned and approved by the City Government, upon a repassage of the said Ordinance after a Veto thereof by the Mayor, by a vote taken in the City Council thereon, February 3rd 1862"

"J. W. Johnson (seal) Mayor of the City of San Jose" (seal)
"Attest Jas R. Lowe Jr, City Clerk"

Ackn^d February 4, 1862
By "J. W. Johnson, Mayor of San Jose"
Before Geo. M. Goell, N.P.

Recorded February 5, 1862
Liber "P" of Deeds, page 156.

Augustin Chatelle
To
"Edward and John Auzerais"

Deed.

Dated January 6, 1862

Does remise, release and quit claim unto the parties of the second part and to their heirs and assigns forever, all the following described pieces or parcels of land in the City of San Jose, to wit:- All that piece or parcel of land bounded South by the premises of Juan Bernal and on the North by the premises of Antonio Mª Pico, and being part of Lots 3 and 4 in Block one, Range one, South of the base line and having a front on San Jose Street of 93 Varas, and extending to First Street. (And other property.)

Ackn d January 10, 1862.
Before Geo. M. Goell, N. P.

Recorded January 11, 1862

Liber "P," of Deeds, page 109.

T. A. Quinby, Mayor of
the City of San Jose,
To
Edward Auzerais and
John Auzerais.

Deed.

Dated July 17, 1866

Cons. Ordinance hereto authorizing and $102.50

Ordinance authorizing the sale of Pueblo lands to E. Auzerais & Bro.

Whereas, by virtue of an Act of the Legislature of the State of California, approved January 17, 1866, entitled "An Act to Abolish the Board of Commissioners of the Funded Debt of the City of San Jose", the Mayor is authorized to sell the lands of said City in such manner and at such price as the Common Council shall by ordinance direct: therefore be it ordained by the Mayor and Common Council of the City of San Jose as follows:-

Section 1st — The Mayor of said City is hereby authorized and directed to

convey to E. Auzerais & Bro. on payment to the City Treasurer, the sum of $102.50 the following described tract or parcel of land, being a portion of the Pueblo lands of the City of San Jose - to have and to hold the same in accordance with such Conveyance (which said Conveyance shall be attached to a certified copy of this Ordinance) the said E. Auzerais & Bro. having heretofore complied with the rules and regulations of the Mayor and Common Council of said City, for the Sale and disposition of such lands, to wit:- Beginning 78 feet 5½ inches from the South-west corner of Lot 3 in Block One of Range one South of the base line and running thence Northerly and along the Western line of said lot 64 feet more or less: thence at right angles Westerly 51¾ feet: thence at right angles Southerly 64 feet more or less: thence at right angles Easterly 51¾ feet, to place of beginning, and being that portion of what was formerly known as San Jose Street and only being so much thereof as is in front of land now owned by said E. Auzerais & Bro.

Section 2nd — This ordinance to take effect and be in force from and after its passage and approval.

Passed and approved this 16th day of July A.D. 1866.

(Signed) "J. A. Quinby, Mayor of the City of San Jose".

Attest — John T. Colahan, City Clerk.

Copy of Ordinance hereto attached. Attested under the Seal of the City of San Jose, July 17, 1866 by Jno. T. Colahan, City Clerk.

Now, in consideration of the premises and the sum of $102.50 paid by the said party of the second part as in said ordinance directed, the said party of the first part, for and on behalf of said Mayor and Common Council of the City of San Jose, doth bargain, sell, release, remise and convey to the said party of the second part, and to his heirs and assigns forever all that certain piece or parcel of land bounded and described as in said ordinance set forth, which said Certified

Copy of said ordinance is hereby referred to for a full description of said premises.

Habendum to the party of the second part, their heirs and assigns, Provided Always, that all Covenants of Warranty are hereby expressly excluded therefrom.

In Witness whereof the party of the first part has hereunto set his hand and seal and has caused to be affixed the Corporate Seal of said City of San Jose, the day and year first above written

(Signed) J. A. Quinby (Seal)

City Seal

Mayor of the City of San Jose

Ackn'd July 17, 1866.

Before Frs E. Spencer, N.P.

Recorded July 18, 1866.

Liber "W" of Deeds page 76.

John Auzerais and
Edward Auzerais
To
Edward Albon.

Deed

Dated October 13. 1877.

Cons $1.

Do remise, release and forever quit claim unto the party of the second part and to his heirs and assigns forever, all that certain lot piece or parcel of land in the City of San Jose, bounded and described as follows, to wit:- Commencing at a point in the Westerly line of First Street, distant 366 $\frac{53}{100}$ feet Northerly from the North-West Corner of the intersection of First and San Antonio Streets: thence at Right Angles Westerly 80 feet: thence at right Angles Northerly to line of lands of A. N. Rutherford: thence at right Angles Easterly 80 feet to said line of First Street and thence Southerly along said Westerly line of First Street to the place of beginning

(Signed) E. Auzerais, by his Attorney in fact
John Auzerais (Seal)
John Auzerais (Seal)

Ackn^d October 29th 1877
Before Chas F. Wilcox N. P.

Recorded February 9th 1878
Liber 46 of Deeds page 266.

Edward Auzerais
To
John Auzerais

Power of Attorney

Dated May 25. 1860.

I do make, constitute and appoint John Auzerais, my true and lawful attorney for me and in my name, place and stead, to enter into and take possession of all real Estate that I now own or may hereafter acquire in the State of California and to sell and convey my said real estate or any part thereof. And for the purposes aforesaid I hereby authorize and empower my said Attorney to make, execute and deliver all requisite deeds or other instruments under seal or otherwise

Ackn^d June 1st 1860.
Before Thos Bodley N.P.

Recorded June 1st 1860
Liber "A" Powers of Attorney, page 370.

Kimball H. Dimmick.
1st Alcalde of the
Pueblo de San Jose.
To
James F. Reed.

Grant.

This Indenture made the First day of February A.D. 1849. between Kimball H. Dimmick 1st Alcalde of the Pueblo de San Jose for and in behalf of said Pueblo of the first part and James F. Reed of the same place of the second part Witnesseth that the said party of the first part in consideration of the sum of $27 25 being the sum specified by law and the regulations having been fully complied with, hath sold and by these presents doth grant and convey unto the said party of the second part his heirs and assigns forever. all that certain piece or parcel of land lying and being in the Pueblo de San Jose and known on the Plot of said City as Lot No. 12. in Block.

one and Range one. North of the base line excepting such parts as have heretofore been deeded by the Alcalde of this Pueblo. Also the South part of Lot No. 4. having 38 varas front on First Street and the North half of Lot No. 5. having 25 varas front on said Street both in Block No. 1. and Range one South of the Base line be the same more or less. Together with all and singular the rights and privileges thereunto belonging or in anywise appertaining. To have and to hold the same unto the said party of the second part his heirs and assigns forever. In testimony whereof I have hereto set my hand and seal the day and year first above written.

<signed> K. H. Dimmick

1st Alcalde. <L.S>

Of Record <date not shown> at

Liber 4. of Records page 103.

James F. Reed
To
Augustus Chatette

Deed

Dated Jany 23. 1850.

Cons $400.#

Do sell and quit claim unto the said party of the second part his heirs and assigns forever all his right title and interest in and to all that certain piece or parcel of land land lying and being in the Pueblo de San Jose being twenty three varas out of the South part of Lot No. four <4> in Block No. one <1> Range No. one <1> South of the base line being 23 varas front on First Street and forty varas deep. reference being had to a deed from K. H. Dimmick. first Alcalde to said Reed bearing date first day of February A. D. 1849.

Ackd January 23. 1850.
Before James C. Conroy.
First Alcalde Dist. San Jose.

Recorded <date not shown>
Book 5 Records page 614.

In the Probate Court, in and for the County of Santa Clara, State of California.

In the matter of the Estate
of
James F. Reed Sr.—
Deceased.

Register "C" page 320—

Cause No 812.

1874
August 1. Will of Deceased filed—together with the petition of S. O. Houghton and Jackson Lewis for Letters Testamentary thereon, who show by the Court.— That James F. Reed Sr. died on or about the 24th day of July A.D. 1874 at the County of Santa Clara.— That said deceased was a resident of said County at the time of his death and left Estate in said County consisting of Real and Personal property.—

That the probable revenue and

character of said property are as follows, to wit:- Real Estate, unproductive of the value of $30,000.00 the same being undivided interests in several parcels of land.-

That the Estate and effects for or in respect of which the Probate of the Will hereinafter mentioned is applied for, does not exceed the sum of about $30,000.00. -

That said deceased left an olographic and attested Will, bearing date the 21st day of April A.D. 1867 in the possession of Mrs Martha J. Lewis, which your petitioners believe and therefore allege to be the last Will and Testament of said deceased and herewith presented to said Probate Court.

That Sherman O. Houghton and Jackson Lewis are named in said Will as Executors thereof and that they are respectively aged above 40 years, residing at San Jose in said County.

That Virginia E. Murphy, Martha Jane Lewis, James F. Reed, Charles O. Reed and Thomas K. Reed of said County are named therein as devisees.

That the next of Kin of said

Testator whom petitioners are advised and believe and therefore allege, to be the heirs at law of said Testator, and the names, ages and residences of said heirs are Martha T. Lewis, James F. Reed, Jr., Charles O. Reed and Thomas K. Reed all of the age of Majority.

That, at the time said Will was executed, to wit:- On the said 21st day of April 1862, the said Testator was over the age of 18 years, to wit:- of the age of 60 years or thereabout and was of sound and disposing mind and not under restraint, undue influence or fraudulent misrepresentation and in every respect competent, by last Will to dispose of all his Estate.-

That said Will is in writing signed by the Testator, duly attested &c.

Wherefore, petitioners pray that said Will may be admitted to Probate and that Letters Testamentary be issued to

petitioners

August 1 Order, made, filed and entered, that Saturday, the 15th day of August A. D. 1874, at 11 O'clock A. M. be and the same is hereby appointed the time for proving said Will and hearing said application.

It is further Ordered, that notice be given thereof, by the Clerk of said Court, by publication not less than 10 days before said 15th day of August 1874, in the "San Jose Daily Patriot" a daily newspaper published in said County and it is further ordered that subpoenas be issued to the subscribing witnesses to said Will, and that citation be issued by the Clerk over his Official Seal and served upon the heirs of the testator residing in said County and State.

Liber "J" Probate Records p. 320.

August 5 Affidavit of M. J. Ashmore of

mailing notices filed. who being sworn, says, that on the 5th day of August 1874, he mailed in an envelope, sealed, with the postage prepaid thereon, a notice, to each of the following named persons, to wit:- James F. Reed, Jr., Charles C. Reed, Thomas K. Reed and Martha J. Lewis, of the time appointed, to wit:- Saturday the 15th day of August, 1874, at 11 O'clock A.M. of said day, for proving the will in above estate, addressed to them at San Jose.

Subscribed and sworn to August 5, 1874 before C. Finley
Clerk

August 15 An Instrument purporting to be an Affidavit of Publication of Notice for Probate of will filed, as follows:-

State of California,
County of Santa Clara

_____ __ _____

being duly sworn, deposes and says that he is the Printer,

Publisher and Proprietor of the "San Jose Daily Patriot" a daily newspaper of general circulation, published and printed in the City of San Jose, Santa Clara County, California:- that he was such at the time of publication of the within and foregoing notice of time for proving Will of James F. Reed Sr. (printed copy of notice attached) that, said Notice was published in said newspaper for 10 consecutive days, Sunday excepted, from the Tuesday 4th day of August 1874, to the 14th day of August 1874, both days included, that is to say on the 4th, 5th, 6th, 7th, 8th, and on Monday 10th, the 11th, 12th, 13th, and 14th days of August 1874, that being as often during said period, as said newspaper was regularly issued.

Subscribed and sworn to before me this 15th day of August A.D. 1874

(Seal)

C. D. Stephens
Notary Public

August 15 Will Roll filed and Recorded
Liber "O" of wills, page 316.
And in and by said Will, Testator devises and bequeaths his Estate as follows:

My late Wife, whose maiden name was Margaret Wilson Keyes, married as her first husband Mr Loyd O. Backenstow in Springfield, Illinois. Mr Backenstow died shortly after the birth of their first child Virginia Elizabeth now Mrs John M. Murphy, of this place.

In the second year after the death of Mr Backenstow, I married his widow, the late Mrs Margret W. Reed.

Now in this my last Will and Testament, I do adopt Virginia Elizabeth Backenstow now Mrs. Virginia Elizabeth Murphy wife of John M. Murphy of this place as one of my lawful and legal heirs, to be equal in all respects with

each and every one of my children, born of my wife, the late Margret W. Reed and whoes names are Martha Jane, now Mrs Frank Lewis, James Frazier, Thomas Keyes and Charles Dadden and all my heirs are to be known hereafter in this will as Virginia, Martha, James, Thomas and Charles.

After all my debts are paid and other small bequests provided for.—

First.— To, Virginia and to her children, I give and bequeath one fifth or equal portion of my estate and effects.

Second.— To Martha and to her children, I give and bequeath one fifth or equal portion of my estate and effects.

Third.— To James, I give and bequeath the one fifth or equal portion of my estate and effects.

Fourth.— To Thomas, I give and bequeath one fifth or equal portion of my estate and effects.

Fifth.— To Charles, I give and

bequeath one fifth or equal portion of my estate and effects.

Sixth.— In case any of the boys should die while single, Virginia and her children, shall inherit, equal with Martha and her children and the other surviving heirs.— And if any of the boys should die married but without children, after the wife's portion is given her, according to the Law, then in that case Virginia and her children, shall inherit equal with Martha and her children and the other surviving heirs.

Seventh.— Should Virginia or Martha be reduced in circumstances, not having the means for a comfortable support for themselves and families or should they be left widows in reduced means, Virginia will return to the old home, where Martha and her family now are living and there they shall be supported of the proceeds of the place during such

misfortune.

Eith. — Refers solely to Reed's Reservation.

Ninth. — If there is a sufficient of my Real Estate outside of the Reservation, to pay all the debts, let it be sold at public or private sale, whichever will bring most.—

But if there is not sufficient outside — I direct that then be sold of the Reservation (certain portions).

I do request that my children will fix or have an improvement arround the little lot of ground, where lies the earthly remains of their dear mother and other relatives.

I have no other Will or Wills to revoke, never having made any other before this, my last.

Tenth. — I appoint Messrs Sherman O. Houghton and Jackson Lewis, my executors —

Signed by my own hand in presence the subscribing witnesses in San Jose, the 21st day of April A.D. 1862

(signed) James F. Reed
Witnesses
Wm A. Lewis
David Bohen

August 15 Order made, filed and entered, appointing James A. Clayton, Edward P. Reed and W. H. Weldon appraisers, to appraise the Estate of said deceased.

Liber "J" Probate Records, p 371.

" 18 Order made and entered (nunc pro tunc, as of August 15) admitting said Will to Probate - "due proof being made to the satisfaction of this Court, that Notice has been given of the time appointed for proving said Will and for hearing said petition and that Citations have been duly issued and served as required by the previous order of this Court, and it appearing to this Court that Notice has been given according to Law to all parties interested" &c. Ordered that said Will be admitted to

Probate as the Last Will and Testament of said deceased. — That said S. O. Houghton and Jackson Lewis be and they are hereby appointed Executors of said Will, and that Letters Testamentary issue to them on giving Bond in the sum of $500.00

August 21 Bond of Executors - S. O. Houghton and Jackson Lewis in the sum of $500.00 filed and approved.

" " Letters Testamentary issued to S. O. Houghton and Jackson Lewis and Recorded - in Liber "B" Letters Testamentary at page 161. —

Aug — Inventory and Appraisement filed, (Does not include any portion of Lot 4 in Block one of Range one South.)

1876

April 12 Affidavit of William A. January, of Publication of Notice to Creditors filed. - Deposes and says, that he is the proprietor, printer

and publisher of the Weekly Argus, a weekly newspaper, printed and published in the City of San Jose, having a general circulation, and that the printed notice hereto attached - <Notice to Creditors - dated Sept 3d 1874 - to present their claims with the necessary vouchers within 10 months-> was printed and published in said newspaper regularly once a week for a period of 4 consecutive weeks, to wit:- in the issues thereof of September 17th, 19th and 26th and of October 3rd and 10th 1874.

Subscribed an Sworn to April 17th 1876 before Jos. W. Johnson, N.P.

1878
May 25 Decree, showing that due and legal notice to Creditors has been given - made filed and entered.

Liber "O" Probate Records, page 81.

Thomas K. Reed
To
Charles C. Reed.

Deed.

Dated August 3, 1874

Cons. $2000.00

Does grant, bargain, sell and convey unto the party of the second part. and to his heirs and assigns forever, all his estate, right, title and interest, or share in all those certain lands in the City of San Jose of which his late father James F. Reed, Sr. died, seized or possessed or in which he had any estate or interest.

Ackn^d August 4, 1874.

Before Henry Uhrbrock, N. P.

Recorded August 4, 1874

Liber 32 of Deeds, page 504.

Antonio Mª Pico and
Maria Pilar Bernal de Pico,
wife of the said Pico
To
"Messrs Gosse and Espie"

Deed

Dated October 24, 1849.

Cons. $5000.00

Do grant, bargain, sell and convey unto the said Gosse and Espie, their heirs and assigns, all right, title and interest of, in and to all that piece or lot of land in the Town of San Jose and known in the Plan or Survey of said Town as being Lot No. 2, Block No. one, commencing at the North-Eastern corner of land upon which is situated the dwelling house or present residence of Juan Bernal, running on the line of the Street, towards the Church in a North-Easterly direction 25 Castillian Varas; thence 89 Castillian Varas, at a right angle to the aforesaid front line, to the line of the Street in the rear of the said lot; thence along the line of the Street

75 Castillian Varas, to the property or land of said Juan Bernal: thence along the line of said land of Juan Bernal 89 Varas, to the point of commencement.

"In witness whereof the said Antonio Mª Pico and Maria Pilar Bernal de Pico have hereunto placed their hands and seals the day and date above written."

(Signed) "Antonio Mª Pico
a ruego de Dña Mª Pilar Bernal de Pico, por no saber firmar".

Testigos
Francº Arce }
Roberto Birnie } Diego Alexr Forbes.

Jusgado de San José
de Guadalupe.

I hereby certify that Maria Pilar Bernal de Pico, having been duly questioned by me separately and apart from her husband declared that she signed the foregoing document by her own free will and consent and without any coercion on the part of her husband, or other person.

In witness whereof I have hereunto placed my hand this 24th

day of October, 1849.

(Signed) José Fernandez
Alcalde 2d

Certifico ser copia sacada a la Letra del original que posa en poder del interesado fha ut supra

(Signed) José Fernandez
Alcalde 2d

Of Record, Liber 5 of Records, page 358
(Date of Record not shown)

Louis Gosse and M. O. Espie
trading under the firm of
"Gosse and Espie" said
Louis Gosse as liquidating partner
of said firm, herein acting for and
in the joint name of himself and
the said M. O. Espie of the first part

To

"Thomas Lachambre and Co."
of Lima

Mortgage

Dated June 20, 1851

Do grant, bargain, sell, alien, release and convey and confirm unto the parties of the second part all their right, title and interest in and to the following described property, to wit:-

All that piece or parcel of land (less that portion thereof, hereinafter described) situate, lying and being in the Town of San Jose and known on the plan or Survey of the said Town as being Lot No 2 in Block No. one, commencing at the North-Eastern corner of land upon which is or was situated the dwelling

house of Juan Bernal, running on the line of the Street towards the Church in a North Easterly direction 75 Castillian Varas; thence 89 Castillian Varas, at a right angle to the aforesaid front line, to the line of the Street in the rear of the said Lot: thence along the line of the Street 75 Castillian Varas to the property or land of said Juan Bernal: thence along the line of the said Juan Bernal 89 varas to the point of commencement.— with the exception, and less that portion thereof, being the South-western fourth or quarter thereof, measuring 17½ Varas, from South to North and fronting on the Westerly side of said lot by 44½ Varas from West to East.

The whole of said lot of ground, having been purchased by the said Gosse and Espic from Antonio Pico and wife by deed, dated the 24th day of October 1849.

<and other property>

By way of Mortgage to secure the payment of the sum of $12000.00 in 5 years from date.

(Signed) L. Gosse for myself and for M. O. Espic

Ackn^d June 20, 1851

Before L^m Hermann N. P.

County of San Francisco

Recorded July 11, 1851

Liber "A" of Mortgages, page 282.

M. O. Espic and Louis Gosse
"herein represented by the said
Louis Gosse as liquidating partner"
of the firm of Gosse and Espic
To
J. J. Vioget

Deed

Dated June 16, 1851

Cons. $2500.00

Do remise, release and quit claim unto the said J. J. Vioget, his heirs and assigns forever all that piece or parcel of land in the Town of San Jose and being part of Lot, Known on the plan or survey of the said Town as being Lot No 2, Block No. one, bounded and described as follows: Commencing at the South Western Corner of the land upon which is situated the dwelling house or residence of Juan Bernal: thence running Northerly parallel with the Street, a distance of 12 1/2 Varas: thence Easterly 44 1/2 Varas: thence Southerly 12 1/2 Varas: thence Westerly 44 1/2 Varas to the place of commencement. Being the

South-Western four, or quarter of a certain tract or parcel of land purchased by the said Gosse & Espic from Antonio Pico and wife, by deed bearing date the 24th day of October 1849.

"In witness whereof, the said parties of the first part, by the said Gosse, have hereunto set their hands and seals, the day and year first above written

(Signed) L. Gosse —

for myself and for M. O. Espic.

Ackn^d June 17, 1851

Before L^s Hermann, N.P.

County of San Francisco

Recorded June 20, 1851

Liber "B" of Deeds, page 379.

Jan 1/57

Thomas E. Soublette
Marshal and Collector
of San Jose
To
Edward Albon.

Marshal's Certificate.

State of California.
County of Santa Clara } ss.

I Thomas E. Soublette, Marshal of the City of San Jose, Santa Clara County, do hereby certify that by virtue of an Act of the Legislature of the State of California, Entitled an Act to provide revenue for the Government of this State, passed May 15, 1854, I did on the 24th day of November A.D. 1856 seize the following described Property for the taxes for the year A.D. 1856 and 57 assessed for County purposes thereon to Goose and Espie, That upon the 24th day of November A.D. 1856 I gave notice of the said seizure and of the time and

place of sale and that upon the 26th day of December A. D. 1856 I did expose the same for sale at public auction at the Court House door in the City of San Jose, Santa Clara County and State of California after having given 20 days previous notice in the English and Spanish languages in the San Jose Tribune, for the payment of the sum of $16.00, being the amount of said Taxes assessed as aforesaid with the costs, and failure to having been made to pay said taxes and costs, at the time of sale, I did sell the following described property, viz: 25 varas front on First Street by 12½ varas front on San Jose Street, next South of A. M. Pico's residence, Taxes and costs $16.00, at said public sale pursuant to the requirements of the said Act to Edward Albon for the above named sum of $16.00, with $2.00 for this Certificate, and said Edward Albon became the purchaser of said property which is

subject to redemption pursuant to the Statute in such case made and provided.

Given under my hand this 7th day of January 1857.

Thomas E. Soublette,
Marshal & Collector
of San Jose.

Recorded July 23. 1857
Liber A. Mis. pp. 115.

Josse P. Espic
by Joseph H. Scull, Collector of
Taxes of the City of San Jose, as
Successor of Thomas E. Soublette.
in said Office of Tax Collector
To
Edward Albon.

Tax Deed.

Dated November 5. 1857.

Whereas the hereinafter mentioned and described lot of land in the City of San Jose was duly assessed and returned for the year 1856 and a demand was made by Thomas E. Soublette of such, of the owners or agents as could be found for the payment of the taxes due on said property and which said owners or agents neglected or refused to pay on or before the 3d Monday of September 1856. wherefore said Thomas E. Soublette did on the 24th day of November 1856 seize said property and gave notice thereof and that on the 23d day of December 1856 he would sell said property to the person who

would pay the taxes and costs for the smallest portion thereof and caused said notice to be published for 12 days previous to said sale in the San Jose Weekly Tribune" and posted in front of the Court House and in 3 conspicuous places in the precinct where said property was situated. The said Thomas E. Doublette then City Collector did on the 26th day of December 1856 (said Taxes and costs being still unpaid) expose the same for sale at public auction at the Court House door in the City of San Jose and at said sale Edward Albon became the purchaser of the hereinafter described lot of land he the said Edward Albon being the lowest and best bidder for said lot of land the same was struck off to him the said Edward Albon separately as hereinafter described to wit: The whole of 25 varas front on First Street by 12½ varas front on San Jose Street next South of A. M. Pico's Residence assessed to Gosse P. Espic for $16. Whereupon said Doublette

gave to said purchaser such certif-
-icate as is by law directed and
Whereas six months have elapsed
since the day of said sale without
any redemption having been made
Now therefore I Joseph H. Scull. Col.
-lector of the City of San Jose and the
Successor of said Thomas E. Sublette
in consideration of the premises
and of the sum of $16. Do grant
sell release and convey unto the
said Edward Albon and unto
his heirs and assigns all the before
mentioned and described lot or
parcel of land.

Acknd November 12. 1857
Before Jno B. Hewson.
County Clerk.
By Levi P. Peck. Deputy.

Recorded July 28. 1858.
Book L. of deeds page 626.

Espie & Goose and
Estate of James M. Jones
by Tax Collector
To
Edward Abson.

Sheriff's Tax Certificate

Dated Jany 20. 1857.

I Philip T. McCabe Sheriff of the County of Santa Clara do hereby certify that by virtue of an act of the Legislature of the State of California Entitled "an act to provide Revenue for the support of the Government of this State passed May 15. 1854. I did on the first day of December 1856 seize the following described property for the taxes for the year 1856 assessed for State and County purposes thereon to Espie & Goose and Estate of James M. Jones. That upon the 20th day of December A.D. 1856. I gave notice of the said seizure and of the time and place of sale and that upon the 20th day of January 1857. I did expose the same for sale at Public auction at the

Court House in the City of San Jose for the payment of sum of $47.20 being the amount of said Taxes assessed as aforesaid with the costs and failure having been made to pay the same at the time of sale. I did sell the following described property viz: 25 varas on First Street by 12½ varas on San Jose Street. being next South of the lots of A. M. Pico and parts of Lots 3 and 4. Block 1. Range 1. South of the base line in San Jose assessed to Espie & Goose. Taxes and costs $23.60 Also. 40 varas front by 10 varas deep. being East part of Lot 1. B. 1. R. 1. South in San Jose. Assessed to Estate of James M. Jones. deceased. Taxes and costs $23.60 at said public sale pursuant to the requirements of said act to Edward Albon for the above named sum of $47.20 and $2.00 for this certificate and said Edward Albon for the whole thereof each lot separately. for the Taxes and costs due thereon became the purchaser of said

property, which is subject to redemption pursuant to the Statute in such cases made and provided
Dated January 20th 1857.
<Signed> "P. T. McCabe. Sheriff.
"By Thos Bodley. U.S. + Col."

Recorded February 6. 1857
Book I of deeds page 249.

Philip T. McCabe. Sheriff and
Tax Collector of the
County of Santa Clara.
To
Edward Abbon.

Tax Deed.

Dated July 25. 1857.

Cons. $47 20

By virtue of an act of the Legislature to Provide Revenue for the Government of this State passed May 15. 1854. for default of payment of taxes due the State and County for the year ending June 30. 1857. <with costs and damages due thereon> on certain property situate within the Corporate limits of the County of Santa Clara and described in the Book of Assessments as follows: 25 varas on First st by 12½ varas on San Jose Street being next South of the Lots of A. M. Pico and part of Lots 3 and 4. Block 1. Range 1. South in San Jose. assessed to Espie & Goose. Taxes and costs $23 60. Also 40 varas front by 10 varas deep being East

part of Lot 1. B. 1. R. 1. S. in San Jose
assessed to Estate of James M Jones
dec^d Taxes and costs $23^{60} the said
party of the first part did seize
said property on Dec 1. 1856 and on
and on the 20th day of Dec 1856. gave
due notice thereof as by said act re-
-quired and on January 20. 1857. in
front of the Court House in said Coun-
-ty at a sale thereof said party of the
second part for the sum of $47^{20} became
the purchaser of the entire of the pre-
-viously described property. no person
offering to take a less portion of said
property for said Amount.

Whereupon said Sheriff gave
to him such certificate as is by law re-
-quired and whereas the six months
after said sale have expired without
any redemption of said premises having
been made now by virtue and in pur-
-suance of the Statute in such case
made and provided and for and in
consideration of said sum of money.
Do grant bargain sell and convey and
confirm unto the said Edward Albon
his heirs or assigns the abovementioned

and described property as fully and absolutely as I. as Sheriff as aforesaid may or can lawfully sell and convey the same.

<copy of Acknowledgment>

State of California
County of Santa Clara } on the day of the date hereof before me <duly authorized by law to take acknowledgements of Deeds> personally appeared Philip T. McCabe Sheriff known to me to be the person described in and who executed the same freely and voluntarily and for the uses and purposes therein mentioned. In testimony whereof I have subscribed these presents and affixed my official seal in the County of Santa Clara this 27th day of July A.D. 1857.

<signed> {seal} Thos Bodley.
Notary Public

Recorded July 27. 1857.
Book I of deeds page 277.

Dec 21/57

Goose + Espic
by John M. Murphy.
Tax Collector
To
E. Albon.

Tax Certificate
No. 8.

To hereby certify, that by virtue of an Act of the Legislature of the State of California, entitled "An Act to provide Revenue for the Government of the State" passed April 29, 1857, a tax was imposed upon certain property situated within the limits of said County and described as the Tax List or Assessment Roll of said County as follows: 25 Varas front on First Street, by 50 Varas deep, 12½ Varas front on San Jose Street, by 40 Varas deep, bounded N. by A. M. Pico – S. by Jean J. Voight and A. Chattell in San Jose, which property was assessed to Goose and Espic. And that on the 3rd Monday of October, A.D. 1857, the tax being unpaid, I, on that day at the close of Official business, did

enter upon the Tax List or Assessment Roll, a statement, that I had made a levy upon all the property assessed on said Roll and upon which the taxes had not been paid (in which description was included that above described) and did thereafter charge each and every person, so delinquent, an addition of 5% upon the amount of all taxes to be paid by such person. And that on the Saturday next preceding the third Monday in November in the same year I had completed a list of persons and property then owing any taxes, and called the Delinquent List, and on and before the 4th Monday in November of the same year, I caused said list to be published, giving in said publication the name of the owner (when known) of all the Real Estate, and of all the improvements, together with such a condensed description of the property that it might easily be known, and also a similar

condensed description of the property that it might easily be known and also a similar condensed description of any Real Estate or improvements assessed to unknown owners, and also the name of every party delinquent for any tax on personal property and also opposite each name or description giving the amount of taxes, including the Cost provided by law, due from each delinquent person or property which publication was made by one insertion for three successive weeks in the "San Jose Tribune", being a paper published in said County. And that the requirements of an Act of the Legislature to publish as above in Spanish were fully complied with. And that it was my intention to sell said property for the taxes so unpaid, designating the time and place of commencing said sale, to be in front of the County Court House, on the 21st day of December 1857, on which day, I

caused the sale to be postponed until the 22nd day of December 1857 at which time I did, between the hours of 10 o'clock A.M. and 3 P.M. offer said property at public auction, in front of the County Court House and did commence to sell the Real Estate and improvements advertised and upon which the taxes and costs had not been paid. And <the owner in possession and the possessor of the property above described failing to designate> I did thereupon designate the portion of the property I wished bid on, including that hereinafter described, and at such sale E. Albon was the person who would take the least quantity or smallest part of the land or interest assessed <being that which is hereinafter described> and pay the taxes and cost due including $2.00 for the duplicate certificate of sale, which taxes and costs were $13.40, that said smallest quantity as described was struck off to him and he was declared purchaser and

paid to me the taxes and costs, before 10 oclock A.M. the following day; whereupon he became the purchaser of said property, that is to say: 75 Varas front on First Street by 50 Varas deep, 17½ Varas front on San Jose Street by 40 Varas deep, bounded N. by A.M. Pico, S. by Jean Voigt and A. Chattell in San Jose. Therefore I give him this Certificate in duplicate, having first entered in a book, kept by me for that purpose a description of the land sold, corresponding exactly with the description of it given in this Certificate, the date of sale, the purchaser's name and the total amount of purchase money paid and numbering the description on the margin of the book and putting a corresponding number on this Certificate, to the end, that if said Certificate shall have been filed with the County Recorder of said County and 6 months shall have elapsed since said sale and purchase and no redemption from such sale shall have been made, then that

he shall be entitled to receive a conveyance if the land sold, according to the Statute in such case made and provided.

(Signed) Jno. M. Murphy, Sheriff (Seal)
By Jno. R. Wilson, Under Sheriff.

(Endorsed)
"Filed at request of E. Albon at 3 o'clock P.M. July 28th 1858."
"Austin M. Thompson Recorder
"By T. F. Grant, Deputy"

Goose and Espic
by John M. Murphy Sheriff
and Ex-Officio Tax Collector
To
E. Abbon

Tax Deed

Dated August 10th 1858.

Whereas by virtue of an Act of the Legislature of the State of California entitled an act to provide revenue for the support of the Government of the State" passed May 15. 1854. and the several acts amendatory thereof and by virtue of an act entitled "an act to provide Revenue for the Support of the Government of the State" passed april 29. 1857. a tax was imposed on certain property described on the tax list or Assessment Roll of said County as follows: 25 front on First street by 50 varas deep 12½ varas front on San Jose street by 40 varas deep. bounded North by A. M. Pico. South by Jean J. Voigt and Chattell in the City of San Jose. which property was assessed to Goose

& Espic and whereas on the 3d
Monday of October 1857. the tax
being unpaid the said party of the
first part did on that day at the
close of his official business enter
upon the Tax List. or Assessment Roll
that he had made a Levy upon
all the property assessed upon said
Roll and upon which the taxes had
not been paid & in which descrip-
tion was included that above des-
cribed, and did thereafter and on
or before the 4th Monday in November
cause a List. called the Delinquent
List of all persons then owing Taxes
to be published giving the name
of the owner, when known, together
with such condensed description
of the property that it might be easily
known and which said list was
published for three successive weeks
in the "San Jose Tribune" and that it
was the intention of said party of
the first part to sell said property
for the Taxes so unpaid in front
of the Court House and designating
the time and place for Commencing

said sale, and the <possessor of the property above described failing to designate> the party of the first part designated the portion of the property he wished bid on, and at such sale the party of the second part was the person who would take the smallest part or least quantity <being that which is hereinafter described and conveyed> and pay the taxes and costs amounting to $13.40, that said smallest quantity as described was struck off to him who paid the taxes and costs and thereupon became the purchaser and the party of the first part thereupon signed to him a certificate in duplicate and said certificate having been filed with the County Recorder and six months having elapsed since said sale and no redemption having been made now in consideration of the premises and of said sum of money do grant bargain sell convey and confirm unto the — E. Albon. his heirs and assigns the said property

as fully and absolutely as I as Sheriff and Tax Collector may or can lawfully sell or convey the same. That is to say all that property in the City of San Jose described as follows. 25 varas front on First Street by 50 varas deep and 12½ varas front on San Jose Street by 40 varas deep. bounded N. by A. M. Pico. S. by Jean J. Voigt and Chatell.

<Signed> John M. Murphy, Sheriff and
Tax Collector <seal>
of the County of Santa Clara.
By Jno R. Wilson Under Shff.

Ackd August 11. 1858.
Before "Jno B. Hewson Clerk.
by Levi P. Peck. Deputy"

Recorded Oct 1. 1858.
Book II of deeds page 334.

Edward Albon

To

Ellenor Albon

wife of said party of the first part.

Deed

Dated December 21. 1859.

In Consideration of the love and affection he bears to his said wife the said party of the second part, doth hereby give, remise, release and forever quit claim unto the party of the second part and to her heirs and assigns forever, all that certain piece or parcel of land in the City of San Jose, described as follows, to wit:- 75 Varas on First Street by 12 1/2 Varas on San Jose Street, being next South of the lots of A. M. Pico and part of Lots 3 and 4 Block 1, Range 1, South. Also 40 Varas front by 10 Varas deep, being east part of lot one, Block one, Range one, South of the base line

Ackn^d December 21st 1859.

Before Thos Bodley N. P.

Recorded December 17th 1859

Liber "M" of Deeds, page 668.

In the County Court, in and for the County of Santa Clara, State of California.

The People of the State of California
-vs-
Edward Albon and Certain Real Estate &c.

Tax Suit No 8.

1867
Feby 25 Transcript from Justice's Court of H. C. Skinner J. P. filed, as follows:-

Complaint filed January 20th, 1867 against Edward Albon and the following described Real Estate and Improvements situate in the City of San Jose, to wit:-
25 Varas front on First Street by 50 Varas deep and 12½ Varas front on San Jose Street by 40 Varas deep, lying next South of C. T. Ryland and

A. M. Pico in Block one, Range one South of the base line. All of which property is in the City of San Jose, praying Judgment against Edward Albon for the sum of $7.20, and separate Judgment against said Real Estate and Improvements for the sum of $7.20, all of which Plaintiffs aver are due for State and County Taxes in and for said County for the year 1861 - and damages and all costs.

Summons issued this 22d day of January 1862, returnable Feby 1st 1862 at 9 o'clock A. M.

Summons returned served this 23d day of January, inst.

Now at this hour of trial District Attorney appeared and offered in evidence the Delinquent Tax List for the year 1861 and after waiting one full hour and defendant not appearing, whereupon on motion

of plaintiff's attorney, Judgment by default is hereby rendered for plaintiff and against said Edward Albon for the sum of $7.56 and costs of suit and separate Judgment against said Real Estate for $7.20 and the legal 5 per cent thereon amounting to .38 and District attorneys 15 per cent = $1,13, Costs to Constable Chapman $5.10, To Justices fees $3.00, Tax Demand $7.20
Sum Total $16.81
for Transcript .60
$17.41
(signed) "H. C. Skinner J.P."

"I hereby certify this to be a correct Transcript of this case as it appears on my docket"
(signed) "H. C. Skinner J.P."

March 10 Writ of Execution issued

April 23 Writ of Execution filed, with the following Return attached thereto-

Sheriff's Office
Santa Clara County }

I hereby certify that by virtue of the within Execution that I have on the 19th day of March 1862, at the City of San Jose, County and State aforesaid, levied on the within described Real Estate and Improvements (same described in Transcript heretofore shown) also that I have duly advertised and posted Notices of Sale of said property aforesaid to take place on the 12th day of April A.D. 1862.

Dated San Jose March 20th 1862

(Signed) James F. Kennedy
Sheriff
By E. M. Chapman Deputy.

And the following Return of Sale.

I, James F. Kennedy, Sheriff of Santa Clara County, do hereby certify that I received the annexed Writ on the 11th

day of March 1862 and that by virtue and in pursuance thereof, I have levied on the following described property in the County of Santa Clara on the 19th day of March 1862, In the City of San Jose, to wit:-

75 Varas front on First Street by 50 varas deep and 12½ varas front on San Jose Street by 40 varas deep lying next South of C. T. Ryland and A. M. Pico, in Block one, Range one, South of the base line. And that the same was sold by me in front of the Court House in the City of San Jose on the 12th day of April 1862, at 12 o'clock M. previous to said Sale, I caused due and legal notice thereof to be published once a week for 3 weeks successively immediately before Sale in the San Jose Mercury, a newspaper published in the City of San Jose, County of Santa Clara, and I caused 3 of said Notices

to be posted in the Township of San Jose, being the Township in which said property is situated and in which said sale took place. I attended at the time and place fixed for such sale and exposed the said premises for sale at public auction, according to law to the highest bidder for cash, when James Stevenson, being the highest bidder therefor, the said premises were sold to James Stevenson for the sum of $43.45 which was the whole price bid and which I acknowledge to have received. And I delivered to said James Stevenson, a Certificate of Sale, which contained a description of said property, the price bid, the sum paid therefor and that said property was subject to redemption, And that the said property was sold for Taxes thereon for the year ending March 1st 1862. And the within and

annexed Execution is returned satisfied.

(Signed) James F. Kennedy,
Sheriff
By Geo. B. Van Nest Under Sheriff

In the County Court - State of California, County of Santa Clara.

In re -
The People of the State of California
-vs-
Edward Albon and
Certain Real Estate and Improvements

James F. Kennedy, Sheriff,
By Geo. B. Van Nest, Under Sheriff
To
James Stevenson.

Certificate of Sale.

Dated April 17, 1862

I, James F. Kennedy, Sheriff of the County of Santa Clara, do hereby certify, that by virtue of an Execution in the above case, tested the 10th day of March, 1862, by which I was commanded to make the amount of $43.45 to satisfy the Judgment in this Action, with costs and interest thereon out of the personal property of said Edward Albon, the above defendant, and if sufficient personal property

could not be found, then out of the Real property belonging to the said Edward Albon on the 25th day of February 1862, at any time thereafter as by the said Writ, reference being thereunto had more fully appears.

I have levied on and this day sold at public auction, according to the Statute in such case made and provided, to James Stevenson, who was the highest bidder, for the sum of $143.45 which was the whole price paid by him for the same, the Real Estate described as follows, to wit:- 25 Varas front on First Street, by 50 Varas deep and 12½ Varas front on San Jose Street by 40 Varas deep, being next South of C. T. Ryland and A. M. Pico, in the City of San Jose County and State aforesaid.

That the above described property was sold for State and County Taxes, for the year ending March 1st 1862.

That the same was sold in one Lot or parcel. That the highest price bid and the whole sum paid therefor was $143.45. That the whole of said property was the smallest quantity

that any purchaser would take and pay said Execution and Costs.

And that the said Real Estate is subject to redemption, pursuant to the Statute in such cases made and provided.

Filed in the office of the County Recorder April 23d 1862.

Edward Albon
By James F. Kennedy, Sheriff
To
Lewis Cory

Tax Deed.

Dated November 17, 1862
Cons. $43.45

Whereas, on the first day of February A.D. 1862, The People of the State of California recovered judgment in the Court of H. C. Skinner, Justice of the Peace of the City of San Jose, County of Santa Clara, against Edward Albon and certain Real Estate and Improvements, together with an Order of Sale against the Real Estate particularly mentioned and described in the hereinafter mentioned Execution and Order of Sale and of which said Real Estate, the hereinafter particularly describd piece, parcel or tract is a part for $7.56 in a suit for the Recovery in the manner provided by Statute, of Delinquent Taxes, which had attached and become a lien due and unpaid, on the

premises described in said Execution and Order of Sale together with legal interest on said sum from the first day of February, 1867 and the further sum of $9.85 and whereas the District Attorney in and for the County of Santa Clara filed with the County Clerk of said County a transcript of said judgment hereinbefore mentioned and described and thereupon the said County Clerk docketed the said judgment in the same manner as judgments in the District Court are docketed according to the Statute in such case made and provided and whereas, afterwards on the 10th day of March 1867, by a Writ of Execution out of the office of the Clerk of said County Court, upon the said judgment and by me received on the 10th day of March, 1867. And whereas by virtue of said Execution and Order of Sale I did, on receipt thereof, levy on, sieze and take the land therein particularly described to satisfy the

said judgment, costs and charges and did give the legal notice of the time and place of sale thereof, according to the Statute in such case made and provided and upon the day of such sale, to wit:- the 12th day of April, 1867, sold the lands hereinafter described, according to the Statute in such case made and provided to James Stevenson, for the sum of $143.45 that sum being the total amount as aforesaid of the judgment, interest and costs then due and said James Stevenson, being the bidder who would take the least quantity of the property described in the aforesaid Execution and Order of Sale and pay the judgment and all costs: and the hereinafter particularly described tract or parcel being the least quantity of the property described in said Execution and Order of Sale which any purchaser would take and pay the judgment and all costs.- And whereas six months have expired since the day of said sale and no redemption

has been made of said premises and whereas the said James Stevenson has acknowledged, sold assigned and transferred all his right, title and interest of the aforesaid Sale to Lewis Cory — Now by virtue of the aforesaid Writ of Execution and Order of Sale and of the Statute in such case made and provided and in consideration of said sum of $43.45 do grant, bargain and sell unto the said Lewis Cory and to his heirs and assigns, all that certain piece or parcel of land being 75 varas front on First Street by 50 varas deep and 12½ varas on San Jose Street by 40 varas deep, being next south of C. T. Ryland and A. M. Pico, in the City of San Jose.

That the same was sold for the State and County Taxes for the fiscal year ending March 1st A.D. 1867.

(Signed) James F. Kennedy (seal)
Sheriff.

By E. M. Chapman, Under Sheriff

Ackn^d November 26, 1862

Before J. A. Clayton, County Clerk,
By A. E. Pomeroy, Dep'ty Co. Clerk
Attested by "My Official Seal"

Recorded May 30, 1863

Liber "T" of Deeds, page 516.

In the County Court, in and for the County of Santa Clara, State of California.

The People of the State of California
-vs-
Edward Albon
and
Certain Real Estate and Improvements.

Tax Suit No 2.

1862
March 5 Transcript from Court of H. C. Skinner J. P. San Jose Township filed as follows. —

No. 3 - Docket, page 70.

The People of the State of California
-vs-
Edward Albon and the following described Real Estate and Improvements in the City of San Jose, to wit:-

Account filed this 10th day of January 1862 by F. Spencer District Atty.

75 Varas front on First Street by 12½ Varas front on San Jose Street next South of A. M. Pico, also Improvements on D. T. Adams Lot on First Street, Whereupon Plaintiff prays judgment against Edward Albon for the sum of $23.84 and a separate judgment against said Real Estate and Improvements, for the sum of $17.60 and for such other judgment as to Justice belongs. All of which Pl'tiffs aver is now — for and on account of State and County Taxes in and for said County for the year 1860 and all costs Subsequent to the Assessment and of this Action.—

Summons issued on the 22d day of Jan'y 1862 to Chapman, Deputy Sheriff, for service.—

Trial set for Feb'y 1st at 9 o'clock A.M..

Summons returned served on the 23rd of Jan'y 1862.

Now on the hour set for trial, the Dist. Att'y appears and offers

the delinquent Tax List of 1860 as evidence in the Case and defendant not appearing, and failing to answer therefor, Judgment for $23.84 and the legal 5 per cent added, amounting to $25.3/100 and District Attorney's fee 25 per cent. amounting to $5.96, Justice's Cost $3.50, Deputy Sheriff's Cost $5.10, Whole amount of Judgment amounts to $39.83/100 against said Edward Albon.-

And it appearing from said delinquent List, that said Real Estate and improvements belong to the same person, joint Judgment is rendered against said Real Estate and improvements and all costs, as follows.-

Tax $17.60, 5% = 88/100,- To Dist. Attorney $4.40, Justice $2.50, Constable $5.10, amounting to $30.48 as the sum of this Judgment.

San Jose, Feb'y 1st 1862.

Add 60 cents for Transcript.

N. O. Skinner, J.P.

"I hereby certify this to be a correct Transcript of this Case as it appears on my Docket."
(Signed) N. C. Skinner, J.P.

March 10 Writ of Execution issued.

April 13 Writ of Execution filed, with the following Return attached thereto:

Sheriff's Office Santa Clara County.

I hereby certify that by virtue of the within Execution, I have on the 19th day of March 1867, at the City of San Jose, County and State aforesaid, levied on the within described Real Estate and Improvements (property described in the foregoing Transcript from the Justice's Court.) Also that I have duly advertised and posted notices of Sale of said property aforesaid to take place on the 12th day of April 1867, at the

Court House door — County and State aforesaid.

Dated San Jose, March 20, 1862

(Signed) James F. Kennedy, Sheriff

By E. M. Chapman, Deputy

Also the following Return of Sale. —

Office of the Sheriff
of the City and County of Sta. Clara

I, James F. Kennedy, Sheriff of Santa Clara County, do hereby certify that I received the annexed Writ on the 11th day of March 1862, and that by virtue and in pursuance of the annexed Writ of Execution, I have levied on the following described property in the County of Santa Clara, on the 19th day of March, 1862, viz:—

75 Varas front on First Street by 12 1/2 Varas front on San Jose Street next South of A. M. Pico, also Improvments on the lot of D. T. Adams Lot on First Street, all in the

City of San Jose, and that the same was sold by me in front of the Court House in the City of San Jose on the 12th day of April 1862 at 12 o'clock M. - previous to said sale, I caused due and legal notice thereof, to be published once a week for three weeks successively, immediately before sale in the "San Jose Mercury", a newspaper published in the City of San Jose, County of Santa Clara, and I caused 3 of said Notices to be posted in the Township of San Jose, being the Township in which said property is situated, and the same in which the sale took place.

I attended at the time and place fixed for such sale and exposed said premises for sale at public auction according to law to the highest bidder for cash, when James Stevenson, being the

highest bidder therefor, the said premises were sold to the said James Stevenson for the sum of $57.$\frac{95}{}$ which was the whole price bid and which I acknowledge to have received and I delivered to said James Stevenson a Certificate of Sale, which Certificate contained a description of said property, the price bid, the sum paid therefor and that the said property was subject to redemption and also that said property was sold for the State and County Taxes for the year ending March 1st 1861. And the annexed Execution is returned satisfied.

Signed / James F. Kennedy,
Sheriff.
By Geo. B. Van Nest,
Under Sheriff.

In the County Court, State of California — County of Santa Clara

In re
The People of the State of California
-vs-
Edward Albon and
Certain Real Estate

James F. Kennedy, Sheriff
By Geo B. Van Nest Under Sheriff
To
James Stevenson

Certificate of Sale

Dated April 12, 1862.

I, James F. Kennedy, Sheriff of said County do hereby certify that by virtue of an Execution in the above case tested the 10th day of March, 1862, by which I was commanded to make the amount of $57.95 to satisfy the judgment in this action with costs and interest out of the personal property of Edward Albon the above defendant and if sufficient personal property could not be found, then

out of the real property belonging to the said Edward Albon on the 5th day of March 1862, or at any time thereafter as by the said Writ, reference being thereunto had, more fully appears.

I have levied on and this day sold at public auction, according to the Statute in such case made and provided to James Stevenson who was the highest bidder for the sum of $57.95 which was the whole price paid by him for the same, the real estate described as follows, to wit:- All that certain lot of land in the City of San Jose, being 75 Varas front on First Street by 17½ Varas front on San Jose Street, next South of A. M. Pico. That the same was sold for the State and County Taxes for the year ending March 1st 1861 in one Lot or parcel. That the highest price bid and the whole sum paid therefor was $57.95: That the whole of said property was the smallest quantity, that any person would take and pay said judgment and all costs, And that the said real estate is subject to redemption pursuant

to the Statute in such cases made and provided.

Filed in office of County Recorder
April 23, 1867.

The Duplicate of the foregoing Certificate of Sale Recorded in the office of the County Recorder Nov 18, 1879. with the following Assignment written Thereon. —

James Stevenson
To
Louis Cory

This is to certify that I, James Stevenson have this day, for and in consideration of the sum of one dollar, sold, assigned and transferred to Louis Cory all my right, title and interest in and to the Real Estate described in the within Certificate of Sale, and he, the said Cory is intended by this assignment to be subrogated to all my rights and interests in and to the said Real Estate and is hereby empowered to apply for and obtain a deed in his own name, to the said Real Estate from the Sheriff of the County of

Santa Clara, in pursuance of the law in such cases made and provided.

San Jose, April 2d 1862.

<signed> James Stevenson

Witness to signature

J. W. Owen

<No acknowledgment>

Liber "A." Miscellaneous, page —

Edward Albon
by James F. Kennedy, Sheriff
To
Lewis Dory.

Tax Deed.

Dated November 17, 1862.

Cons. $57.95.

Whereas, on the 1st day of February, A. D. 1862 the People of the State of California, recovered judgment in the Court of N. C. Skinner, Justice of the Peace in the City of San Jose, County of Santa Clara against Edward Albon and certain Real Estate and improvements together with an Order of Sale, against the Real Estate particularly mentioned and described in the hereinafter mentioned Execution and Order of Sale and of which said Real Estate the hereinafter particularly described piece, parcel or tract is a part for $17.60 in a suit for the recovery in the manner provided by Statute, of delinquent Taxes which had attached and become a lien due and unpaid, on the

premises described in said Execution and Order of Sale, together with legal interest on said sum, from the 1st day of February 1862 and the further sum of $13.48 costs and all accruing costs, which said Judgment, interest and all costs, amounted on the day of Sale, hereinafter mentioned, to the total sum of $57.95. –

And Whereas, the District Attorney in and for said County filed with the County Clerk of said County, a transcript of said Judgment, hereinbefore mentioned and described.

And thereupon the said County Clerk, docketed said Judgment in the same manner as Judgments in the District Court, held in said County are docketed according to the Statute in such case made and provided. – And Whereas, afterward, on the 10th day of March A.D. 1862 by a Writ of Execution and order of Sale to me directed, issued out of the Office of the Clerk of the County Court, in and for said County and

State upon said Judgment — And whereas, before the day of the return of said Writ, I did by virtue thereof, levy on, seize and take the lands therein described to satisfy said Judgment, costs and charges and did give legal notice of the time and place of the sale thereof, according to the Statute in such case made and provided and upon the day of such sale, to wit:- the 17th day of April, 1867, sold the lands hereinafter described according to the Statute in such case made and provided to James Stevenson for the sum of $57.95, that sum being the total amount as aforesaid of the Judgment, interest and all costs then due and said James Stevenson being the bidder who would take the least quantity of the property described in said Execution and Order of Sale and pay the Judgment and all costs and the hereinafter particularly described tract or parcel being the least quantity of the property described in said Execution and Order of

Sale, which any purchaser would take and pay the Judgment and all costs.— And Whereas, six months have expired since the day of said sale and no redemption has been made of said premises.— And Whereas, the said James Stevenson has acknowledged, sold, assigned and transferred all his right, title and interest of the aforesaid sale to Lewis Dory-

Now I, James F. Kennedy, Sheriff as aforesaid, by virtue of the aforesaid Writ of Execution and Order of Sale, and of the Statute in such case made and provided and in consideration of the aforesaid sum of $57.95 do grant, bargain and sell, unto the said Lewis Dory, his heirs and assigns, all that certain lot of land in the City of San Jose, being 75 varas front on First Street by 17½ varas front on San Jose Street, next South of A.M. Pico— That the same was sold for the State and County Taxes for the year ending March 1st 1861.

(Signed) James F. Kennedy (seal)

Sheriff
by E. M. Chapman,
Under Sheriff.

Ackn^d November 26, 1862
Before James A. Clayton, County Clerk,
By A. E. Pomeroy, Deputy County Clerk.
<Attested by "My Official Seal">

Recorded November, 18, 1879.
Liber 53 Deeds, page 355.

State of California, County of Santa Clara.

In the District Court, Third Judicial District.

The People of the State of California
-vs-
Edward Albon,
John Doe and Richard Roe and
The Real Estate and the Improvements hereinafter described.

Register "Tax Suits 1865" page 76.

Cause No 36.

1866 Feby 3	Complaint filed against Edward Albon and the following described Real Estate in "San Jose Township" and Known "In City of San Jose N. 15 Varas front on First Street of Lot 4 Block 1, Range 1 South. Also S. 10 Varas of Lot 1, Block 1, Range

1 South, Also S. 10 varas of Lot 2, Block 1, Range 1, South, Also N 2½ varas front on Market Square of Lot 3 Block 1, Range 1, South", and for cause of action say:— that between the 1st Monday in March and the 1st Monday in August 1865, the then Assessor D. W. Narwood assessed and placed upon the Assessment Roll, all the property, Real and personal in said County subject to Taxation — That said Edward Albon was then and there the owner of the Real Estate above described, which was assessed to him as follows:—

Real Estate $900.00
Improvements 750. and

that there has been levied upon said property for the fiscal year 1865, a State Tax of $18.97, County Tax of $20.63, amounting in all to $39.60 which is due and unpaid.— Wherefore Plaintiffs pray Judgment against

said persons, defendants, for the sum of $39.00 and separate Judgment against said Real Estate first described &c.

Frs. E. Spencer,
Dist. Atty, Santa Clara County.

Feby 6, Summons issued.

March 10 Summons filed, with Sheriff's Return attached thereto, that he personally served the same on Edward Ribon, by delivering to him personally a copy thereof annexed to a copy of the Complaint, and did at the same time, to wit: on the 20th day of March, 1866 post on each separate parcel of said Real Estate in a conspicuous place a copy thereof.
Dated, March 22d, 1866.

May 14 Decree as prayed for.

October 19 Order of Sale issued.

Decr 15 Order of Sale filed, with the following Return thereon:-

"Received the Judgment and Costs on within writ and return same satisfied in full, Dec 7th A.D. 1866."

(Signed) J. N. Adams,
Sheriff

Decree Recorded at page 55 of Decree Book of Judgments for State and County Taxes. And the following satisfaction appears on the margin thereof:-

"Received Tax and District Attorney's fees Dec 14th 1866."

(Signed) D. W. Herrington
Dist. Atty.

"Execution returned Dec 14th, 1866 fully satisfied and Judgment hereby entered satisfied in full".

"December 15th 1866."

In the Probate Court in and for the County of Santa Clara, State of California

In the Matter of the Estate
of
Lewis Cory,
Deceased.

Register "B" page 71.

Cause No 276.

1863
Feby 7th

Will of said deceased filed, together with the petition of Thos. Douglas and Eliza Cory, that the same be admitted to Probate and Letters Testamentary thereon issue to Petitioners— and show to the Court— That Lewis Cory died on or about the 3rd day of January A.D. 1863 at San Jose — That deceased was a resident of the County of

Santa Clara, at the time of his death and left Estate in said County, consisting of Real and personal property— That the probable value and character of said property is as follows, to wit:— $75000.00 and consists of Lots, Houses &c besides property in the State of New Jersey. —That deceased left a Will bearing date May 7th 1855, in the possession of Eliza Dory, which your petitioners believe and therefore allege to be the Last Will and Testament of said deceased and which is herewith presented to this Court.—

That Eliza Dory, Thomas Douglass & Henry Dory and Wm F. Brown are named in said Will as Executors thereof and Eliza Dory, residing at San Jose—named therein as devisee, during her natural life— That the subscribing Witnesses to said Will,

are J. Jones, Lewis Hibbard, residing in the County of Santa Clara, J. B. Manny, whose residence is unknown to petitioners.—

That the next of kin of said Testator whom petitioners are advised and believe and therefore allege to be the heirs at law of said Testator and the names, ages and residence of said heirs are set forth in said Will.—

That at the time said Will was executed, to wit:— on the said second day of May 1855, said Testator was over the age of 18 years, to wit:— of the age of 46 years or thereabouts— was of sound mind and in every respect competent, by last Will, to dispose of his Estate.

That said Will is in writing, signed by the said Testator and attested by Witnesses.

Wherefore, petitioners pray that said Will may be admitted to Probate and Letters, Testamentary thereon be issued

to petitioners.

February 7. Order made, filed and entered appointing Saturday the 21st day of February 1863 at 10 o'clock A. M. for hearing said application, and that notice be given thereof by the Clerk of this Court, by publication at least 10 days previous to said 21st day February 1863 in the "San Jose Mercury", a newspaper printed and published in the City of San Jose.

It is further ordered, that, subpoenas issue to the subscribing witnesses to said Will and that Citations be served upon Eliza Cory, the heir of said deceased, residing in said County of Santa Clara, to appear at the time appointed as aforesaid.

Liber "O" Probate Records, p. 171.

Feby 10 Citation issued to Eliza Cory.

" 12 Citation filed with Return of

Jas. F. Kennedy, Sheriff, thereon, that he served the same on Eliza Cory by delivering to her a true copy thereof on the 11th day of February 1863, at the County of Santa Clara.

Feby 20. Affidavit of D. D. Owen of publication of Notice filed. – deposes and says. That he is one of the Editors of the "San Jose Mercury" a Weekly paper published in the City of San Jose, that a notice, of which the annexed printed copy marked "A" is a true copy, <Notice appointing time for Probate of Will> has been published in said paper at least "four" consecutive weeks, commencing on the 3rd day of February and ending on the 19th day of February 1863.

Subscribed and Sworn to February 20th 1863. before R. B. Hall, Justice of the Peace.

" 21 Order made filed and entered,

appointing Richard B. Buckner, an Attorney of this Court, Attorney for Absent persons interested in said Estate, to represent them in all proceedings required by law in the Settlement of said Estate.

Liber "O" Probate Records, page 173

Feby 21 Will Proofs and Certificate filed.

The Will is dated May 2nd A.D. 1855 and therein and thereby Testator bequeaths his Estate as follows.—

First.— Order— That all just debts and funeral expenses be paid as soon as conveniently can be after his death.—

Item.— Give, devise and bequeath all my Real Estate whatsoever and wheresoever situated to my wife Eliza Cory, for her sole use and benefit for and during the period of her natural life, to be under her control and used by her as she may see fit and in case she should find it necessary

or see fit to dispose of any part or all of the same, I hereby authorize and empower my said wife as my Executrix hereinafter named, to sell, deed and dispose of the same or any part thereof from time to time as she may deem proper and to make good and sufficient deed or deeds for any part or the whole of my Estate so sold or conveyed.

Item.-&c. <names residuary legatees>

Lastly.-

I do hereby nominate and appoint my wife Eliza Cory, Executrix and my frien Thomas Douglass and my brother Henry A. Cory, who lives in Plainfield, New Jersey and my brother in law Wm F. Brown of Rahway, New Jersey.——

I further request that neither of the above Executors, shall be required to give bonds, as I have full confidence in their honesty and ability to carry out my Last Will and Testament.-

and to act in manner following.— That is to say:— My wife Eliza Dory, to act and have the sole custody and charge of my estate without giving bonds to any person or Court during her lifetime and my Executors above named, to take the charge thereof after the death of my wife.

(Signed) Lewis Dory (seal)

Signed, sealed, published and declared as his last Will and Testament by the Testator in our presence, who, at his request and in his presence have hereto set our hands as witnesses.

"Lewis Hebard"
"T. B. Manny"
"Z. Jones,"

Feby 24 Ordered— "That the hearing of the matter of the said Estate be continued to Saturday next."

Liber "C" Minutes, page 177.

Feby 28. Order made, filed and entered admitting Will to Probate, as follows, "On reading and filing due proofs of the due publication of the order to show cause why the Prayer of the said petitioners should not be granted as aforesaid and of the notice of the present hearing and after examining the Witnesses produced in behalf of said petitioners, whose testimony has been reduced to writing and filed, from which it appears that said document is the Last Will and Testament of said Lewis Cory, deceased, that it was executed in all particulars as required by law and that the Testator was of sound mind at the time of its execution and R. B. Buskner, the Attorney, appointed by the Court, to represent the minor heirs and persons residing out of this County, being present and consenting" -

It is ordered, that

the paper heretofore filed purporting to be the Last Will and Testament of said Lewis Dory, deceased:-

That Eliza Dory and Thomas Douglass be and they — hereby appointed Executrix and Executor of said Estate, and that Letters Testamentary issue to Eliza Dory and Thomas Douglass.

Liber "D" Probate Records, page 180.

Feby 28 Letters Testamentary issued to Eliza Dory and Thomas Douglass.

Letters Recorded Book "A" of Probate Letters page 46 et seq.

October 14 Order made, filed and entered that Notice to Creditors of said Lewis Dory, deceased, be given by publication in the "San Jose Mercury" once a week for the period of five weeks

Liber "D", Probate Records, p. 273.

Eliza Dory, in her own right, and as Executrix of the Estate of the late Lewis Dory, deceased.

To

Edward Albon

Deed.

Dated May 19, 1864

Cons. $600.00

Does remise, release and forever quit-claim unto said party of the second part and to his heirs and assigns forever, all that certain piece or parcel of of land, being 25 varas front on First Street by 50 varas deep and 12½ varas on San Jose Street by 40 varas deep, being next South of the land of D. T. Ryland and A. M. Pico, being parts of Lots 2, 3 and 4, Block one Range one South of the base line in the City of San Jose.

Ack'd May 18, 1864

Before James A. Clayton, County Clerk, By A. E. Pomeroy Deputy Clerk.

Recorded November 18, 1874.

Liber 53. Deeds, page 359

City of San Jose
by J. A. Quimby. Mayor.
To
Edward Albon.

Deed

Dated Jany 25th 1867.

Cons. Ordinance hereinafter set forth and $10 &c.

"Ordinance authorizing the sale of Pueblo Lands to Edward Albon"

Whereas by virtue of an act of the Legislature of the State of California Approved January 17, 1866 entitled An "act to abolish the Board of Commissioners of the Funded Debt of the City of San Jose the Mayor is authorized to sell the lands of said City in such manner and at such price as the Common Council shall by ordinance direct. Therefore be it ordained by the Mayor and Common Council of the City of San Jose as follows - Section 1st The Mayor of said City is hereby authorized and directed to convey to Edward Albon

on payment to the City Treasurer the sum of 10^{00} the following described tract or parcel of land being a part of the Pueblo Lands of the City of San Jose. To have and to hold the same in accordance with such conveyance <which said Conveyance shall be attached to a certified copy of this Ordinance> the said Edward Albon having heretofore complied with the rules and regulations of the Mayor and Common Council of said City for the sale and disposition of such lands to wit: All that certain tract or parcel of land lying and being in the City of San Jose and being the South 10 varas of Lot one and the North 15 varas of Lot 4 and the South 10 varas of Lot 2, and the North 2½ varas of Lot 3. all in Block one of Range one South of the base line according to the map or plot of said City of San Jose. Section 2d. This act to take effect and be in force from and after its passage and approval. Passed this 21st day of January A. D. 1867.

<signed> John T. Colahan
City Clerk.

< Endorsed >

"Approved this 25th day of Jan. A. D. 1867. J. A. Quinby. Mayor of the City of San Jose.

State of California }
County of Santa Clara } I John T. Colahan City Clerk in and for the City of San Jose do hereby certify that the above is a true and correct copy of an original ordinance now on file in my office. In witness whereof I have hereunto set my hand and affixed the seal of said City this 25th day of January 1867.

<signed> John T. Colahan. City Clerk.

Now this Indenture Witnesseth: That whereas the Mayor and Common Council of the City of San Jose did on the 21st day of January A. D. 1867. duly pass an ordinance authorizing the mayor of said City of San Jose to convey to the party of the second part certain Real Estate and premises therein described <which said ord.

-nance was duly approved on the 25th day of January A. D. 1867. a certified copy of which said ordinance is hereto attached and is hereby referred to and made a part of this Indenture. Now in consideration of the premises and of the sum of $10. paid by the said party of the second part as in said Ordinance directed the receipt whereof is hereby acknowledged doth bargain sell release remise and convey to the said party of the second part and to his heirs and assigns forever. all that certain piece or parcel of land bounded and described as in said ordinance is set forth. which said certified copy of said ordinance is hereby referred to for a full description of said premises. In witness whereof the party of the first part as such Mayor has hereto set his hand and seal and has caused to be affixed the Corporate seal of said City of San Jose

City seal

J. A. Guirey <seal>

"Mayor of the City of San Jose"

Ackd January 25. 1867
Before Frs. E. Spencer. N.P.

Recorded January 25. 1867
Book W of deeds page 228.

Manuel Octave Espié,
Late in San Francisco,
and now of the Republic of Chili
To
Louis Gosse.

Deed

Dated April 1. 1868

Cons. $10.00

Do bargain, sell and quit claim unto the said Louis Gosse and to his heirs and assigns forever, all the undivided one half interest in the following described property, to wit: all that piece or parcel of land < less that portion thereof hereinafter described > situate, lying and being in the Town of San Jose, State of California, and known on the plan or survey of said Town as being Lot No. 2 in Block No. 1, Commencing at the N. Eastern Corner of land upon which or was situate the dwelling house on Juan Bernal, running in the line of the Street towards the church in a North Easterly direction 25 Castillian Varas: thence 89 Castillian Varas at a right angle to the aforesaid front line to the line of the street in the rear of

of said lot; thence along the line of the said Street 25 Castillian Varas to the property or lands of said Juan Bernal; thence along the line of the said lands of Juan Bernal 89 varas to the place of beginning, with the exception and less that portion thereof being the South Western portion, fourth or quarter thereof, measuring 12½ varas from South to North and fronting on the Westerly side of said lot by 44½ varas from West to East, the whole of said lot of ground having been purchased by the said Gosse and Espic from Antonio Pico and wife by Deed dated the 24th October 1849.

In the presence of
Ad Converlee.
Colin C. Steen.

Acknd April 1. 1868

Before A. W. Clarke, U.S. Consul at Valparaiso.

Consulate Seal

Recorded. May 19. 1868

Liber 9. of Deeds pp. 191

In the District Court of the Third Judicial District of the State of California in and for the County of Santa Clara

Louis Gosse
Plaintiff

-vs-

Edward Albon, et als,
Defendants

Register "E", page 239.

Cause No 2636.

Note. The papers in the above entitled Cause are missing from the Archives. The following Synopsis of proceedings had therein, is compiled from entries upon the Register and from the Minutes of the Court.

1868. April 14	Cause entered – Complaint filed.
1869. April 12	Summons issued.
" "	Copy of Complaint certified.

April 17	Summons filed on Return.
" 19	Answer of Defendant, Abon, filed.
" 24	Answer of Lux., Stutzbach, Louisa Greer, et als, filed.
" 29	Answer of Quringos filed
May 10	Calendar for Term.
" 11	By agreement of Counsel, Ordered by the Court that this Cause be continued. Liber "G" Minutes, page 17.
Sept 13	Calendar for Term
" 14	By agreement it is ordered that this Cause be continued. Liber "G" Minutes, page 75.
1870	
Jany 10	Calendar for Term.
" 15	Cause tried and jury waived.
" "	Order made and entered as follows:- This Cause now coming on regularly for trial the parties appear by their respective Counsel

William Matthews, Esq. for plaintiff and Messrs Bodley & Rankin, Spencer and Archer for defendants, and a trial by jury being waived by the parties, the Cause is tried by the Court sitting without a jury. When by leave of the Court, for that purpose first had and obtained, the plaintiff withdraws his suit, for all that part of the land described in plaintiff's complaint, consisting of Lots numbers one and four in Block one, Range one, South of the base line, and for all of Lot three in the said Block and Range, lying South of a line drawn parallel to San Fernando Street at a distance of 12½ Varas North of the old house of Juan Bernal.

And the evidence of Thos Campbell, H. N. Parker, Thos Bodley and J. T. Colahan being heard and the evidence not being closed, the further hearing

of this Cause is continued until Monday the 17th inst.

At the close of the plaintiff's testimony herein, L. Archer Esq. moved for a non-suit as to all the defendants herein, except Edward Albon, which motion is sustained. And it is ordered that this Action be dismissed as to all the defendants herein, except Edward Albon.

Liber "G" Minutes, page 140

Jan'y 21 And now again, come the parties by their Counsel and the Evidence of Edward Albon being heard, and other evidence, and the evidence being closed, the Cause is submitted to the Court upon Briefs to be filed, and written findings are requested.

Liber "G" Minutes, page 154.

May 9 Calendar for Term.

" " Motion and Order continuing

Sept 12 1871	Calendar for Term.
May 8	Calendar for Term.
Sept 18 1872	Calendar for Term.
Jan'y 8	Calendar for Term.
May 6	Calendar for Term
" "	Cause called and passed. Liber "G" Minutes, page 449.
" 21	On Motion. It is ordered that the submission heretofore made be set aside and Cause re-instated on the Calendar. Liber "G" Minutes, page 503.
Sept 2 1873.	Calendar for Term
Jan'y 6	Order made and entered as follows:- "On motion of Wm Matthews, Esq., of Counsel for plaintiff it is ordered, that the submission heretofore made

herein be set aside. And by consent.— It is ordered that the Cause be, and the same is hereby continued for the Term."

Liber "H" Minutes, page 4.

May 5 1874 Calendar for Term.

Sept. 18 Order made and entered as follows:—

"On motion of Frs E. Spencer of Counsel for defendant, It is ordered that this Cause be, and the same is hereby dismissed. —

Plaintiff by his Counsel Wm Matthews Esq, appearing and objecting thereto."

Liber "H" of Minutes, page 594.

Edward Albon
To
"San Jose Savings Bank"
A corporation

Examine

Mortgage.

Dated June 9, 1870

Covers all that certain piece or parcel of land, described as follows, viz:- Being the South 10 Varas of Lot One - and the North 15 Varas of Lot 4 - and the South 10 varas of Lot 2 - and the North 2½ Varas of Lot 3, all in Block One of Range one South, of the base line, according to the Map or Plat of the City of San Jose.

To secure the payment of the sum of $600.00

Recorded July 6, 1870
Liber "S" of Mortgages, page 311

Satisfied in full on the margin of the Record March 22, 1871. by a release signed

"San Jose Savings Bank"
"By L. Archer, Att'y in fact"

Attest

Joseph R. Johnson, Recorder
By Henry Uhrbrock, Deputy.

"San Jose Savings Bank"
A Corporation
To
Lawrence Archer

Power of Attorney

Dated February 10, 1871

Being authorized and empowered by the Stockholders of said Corporation by Resolution duly passed at a regular meeting of said Stockholders, held in pursuance of the By Laws of said Corporation, do hereby appoint and constitute Lawrence Archer my Attorney in fact, to release and discharge any and all Mortgages, now or which may be hereafter held by me or which are now or may be standing in my name and to acknowledge upon the Records payment or satisfaction in my name upon the Margin of the Record of any such security.

In witness whereof the President and Cashier of said Corporation execute and acknowledge this Letter and affix

the Corporate Seal thereto.

(Signed) "San Jose Savings Bank

James C. Cobb (Seal)

President

Bank Seal

J. J. Bowen (Seal)

Cashier

Ackn'd February 10, 1871

Before W. F. Aram, N. P.

Recorded February 10, 1871

Liber "B" Powers of Attorney Page 383

Edward Abon

To

"San Jose Savings Bank"

A Corporation

Mortgage.

Dated May 19, 1871

Covers the South 10 varas of Lot one – and the North 15 Varas of Lot 4 – and the South 10 Varas of Lot 2 – and the North 2 1/2 Varas of Lot 3, All in Block one of Range one South of the base line, according to the Map of the City of San Jose.

To secure the payment of the sum of $450.00

Recorded May 19, 1871

Liber "W" of Mortgages, page 551.

Satisfied in full on the margin of the Record – December 4, 1872.

"San Jose Savings Bank"

"By John H. Moore, Pres't"

Attest

D. C. Bailey, Recorder,

Mitch Phillips, Deputy.

Edward Albon and
Eleanor Albon, his wife, Mortgagors
To
D. S. Payne, Mortgagee.

Mortgage.

Dated April 8, 1876.

The said Mortgagors, Mortgage to the Mortgagee, all that certain piece or parcel of land situate in the City of San Jose, bounded and described as follows, to wit:- The South 10 varas of Lot one, - and the North 15 varas of Lot four - and the South 10 varas of Lot two - and the North 2½ varas of Lot three. All in Block one of Range one South of the base line, according to the Map or Plat of said City.

To secure the payment of the sum of $1100.#

Recorded April 10, 1876

Liber 19 of Mortgages, page 257.

Satisfied in full on the margin of the Record Sept 12, 1876, by D. S. Payne

Attest

W. B. Hardy - Recorder

By Thos Oakes, Deputy.

Edward Albon and
Eleanor Albon, his wife,
Mortgagors,
To
David Jacks, Mortgagee.

Release p. 451

Mortgage.

Dated September, 12, 1876.

The said Mortgagors Mortgages to the Mortgagee all that certain piece or parcel of land, in the City of San Jose, bounded and described as follows, to wit:- The South 10 Varas of Lot one and the North 15 Varas of Lot 4 and the South 10 Varas of Lot 2, and the North 2½ Varas of Lot 3, all in Block one of Range one, South of the base line, according to the Map or Plot of said City.-

To secure the payment of the sum of $5000.00 and interest, as per promissory note of even date.

Recorded September 12, 1876.
Liber 21 of Mortgages, page 546.

Edward Albon and
Eleanor Albon
his wife Mortgagors
To
David Jacks, Mortgagee.

Release p. 451

Mortgage.

Dated March 24, 1877.

The said Mortgagors, Mortgage to the Mortgagee, all that certain piece or parcel of land in the City of San Jose, bounded and described as follows, to wit:- The South 10 Varas of Lot one and the North 15 Varas of Lot 4 and the South 10 Varas of Lot 2 and the North 2½ Varas of Lot 3, all in Block one, of Range one, South of the base line, according to the Official Map or Plat of the City of San Jose.

To secure the payment of $3000.00 and interest.

Recorded March 31, 1877.

Liber 25 of Mortgages, page 62.

David Jacks
To
Edward Albon and
Eleanor Albon,
his wife.

Release of Mortgage.

Dated August 31, 1878

Do hereby certify and declare, that a certain Mortgage, bearing date the 17th day of September 1876, made and executed by Edward Albon and Eleanor Albon, his wife to me, and which said Mortgage was recorded in the Office of the County Recorder of Santa Clara County in Liber 21 of Mortgages, at page 546 et seq. on said 17th day of September, 1876.

Also, one other certain Mortgage bearing date the 24th day of March, 1877, made and executed by said Edward Albon and his wife, Eleanor Albon, to me and which said Mortgage is recorded in the Office of the County Recorder of said County in Liber 25 of Mortgages at page 62 et seq. on the 31st day of March 1877.

Both of said Mortgages, with the debts therein secured are fully paid, satisfied and discharged.

Ackn^d September 3, 1878

Before T. N. Blood, N.P.
City and County of San Francisco.

Recorded September 3, 1878

Liber "V" Releases of Mortgages, p. 201.

"John & Edward Auzerais"

To and with

Edward Albon

-Party Wall Covenant.-

Dated October 13, 1877

Whereas, the parties of the first part "John and Edward Auzerais" are the owners in fee and in the possession of that tract of land in the City of San Jose bounded and described as follows, viz:- Commencing at a point on the Westerly side of First Street at the North East Corner of lands of Wm P. Dougherty, which point is 304 76/100 feet Northerly from the North West Corner of San Antonio and First Streets and running thence 61.77 feet Northerly along the line of the West side of First Street to the S. E. corner of the land of E. Albon: thence at right angles Southerly 61 77 feet to the North line of the land of Wm P. Dougherty and thence Easterly along the North line of the land of Wm P. Dougherty 80 feet to the place of beginning - And whereas the said

Edwin Albon is the owner in fee and in the possession of the land North of and adjoining the above described tract of land and whereas, the said parties of the first part are about to erect a brick building two stories high on the above described lot of land, the Northern wall of which will stand one half upon the land of the said Edwin Albon, the party of the second part and the other half on the lot above described, the property of the parties of the first part.

Now, in consideration of one dollar to each of said — paid by the others, the receipt of which is hereby acknowledged, the parties hereto have covenanted and agreed and do for themselves, their heirs, executors, administrators and assigns, hereby mutually covenant, promise and agree as follows, First = That the said Northerly Wall of said building, shall and may be built upon and occupy a strip of land, owned by said Albon, next North of the dividing line between the lands of the parties hereto six and one half

inches in width and running from the Westerly line of First Street to a depth Westerly of 80 feet and shall be built upon footings of sufficient width, below the surface of said lot to insure permance, in addition to the 6½ inches:—

And the said parties of the first part shall cause said wall to be of a thickness of at least 6½ inches upon the Northerly side of said dividing line:—

And said wall when so erected, shall be and remain a party and dividing wall, between said parties hereto, respectively, their heirs, executors, administrators and assigns forever.—

Second.— It is further covnanted that in the event hereafter, said Albon, his heirs, executors, administrators and assigns shall use said wall in whole or in part, for the purpose of erecting any building or other superstructures so as to make use of said wall for enclosing said building, then and in that event, and as soon as so appropriated and used, he, said Albon, his heirs, executors, administrators or assigns shall pay to the parties of the first part

their heirs, executors, administrators or assigns in Gold Coin of the U. S. one half part of the Cost of such party wall, to the extent, that he or they may make use of the same.—

Third.— Should the said Wall, hereby made a party wall, be at any further time or times injured or destroyed, either by decay, lapse of time, fire, accident or other cause whatever, so as to require to be either repaired or rebuilt, the parties hereto, for themselves, their heirs, executors, administrators and assigns forever, that such reparation or rebuilding as the case may be, shall be at the mutual, joint and equal expense of them, the said parties hereto, their heirs, executors, administrators and assigns forever, as to so much and such portion of the said Wall, as shall be used by the party of the second part, his heirs or assigns in erecting any building which said party may hereafter erect:- And as to the residue of said Wall not used by the said Albon, his heirs or assigns, such

reparation or rebuilding of such residue of said wall, shall be at the sole and separate expense of the said parties of the first part, their heirs, or assigns :- And that in every case of such reparation or rebuilding as the case may be, such repairs shall restore the said wall to the same state and condition, in which the same was originally, in all respects as nearly as may be and shall be rebuilt upon the same spot and be of the same size and of the same materials, or at least equal in quantity and goodness as said original wall. And in every case of such reparation or rebuilding, should the same be necessary and proper and either party, their heirs, or assigns, request the other to unite in the same and to contribute to the expenses thereof, according to the true intent and meaning of this agreement, then the other party, their heirs, or assigns forever may cause such reparation or rebuilding to be made and done and charge the other party aforesaid forever, with

the proportion of the expense, costs and charges thereof according to the true intent and meaning of this Agreement, all in Gold Coin of the U. S. –

Fourth. – It is further in like manner mutually understood and agreed by and between the parties hereto that this Agreement shall be perpetual and run with the land and be obligatory upon the heirs and assigns of the said parties respectively, and in all cases and on all occasions shall be construed as a covenant running with the land and that no part of the fee of said lot upon which the said Wall shall be built, belonging to the one party, shall pass to, or be vested in, the other party, their heirs or assigns in or by these presents, but only the right, to the use and benefit of the said Wall as a party wall, according to the terms of this Agreement –

(signed) Edward Abon (seal)

E. Auzerais (seal)

By his Attorney in fact John Auzerais (seal)

John Auzerais (seal)

Ackn'd October 24, 1877.

By Edward Albon and on October 29, by John Auzerais, for himself and as the Attorney in fact of Edward Auzerais, all before Chas F. Wilcox, N.P.

Recorded Nov 5, 1877.

Liber "G", Miscellaneous, page 382, et seq.

Edward Albon
To
John Auzerais and
Edward Auzerais

Deed

Dated October 13. 1877.

Cons $1.

Does remise, release and forever quit-claim unto the parties of the second part and to their heirs and assigns forever, all that certain lot, piece or parcel of land in the City of San Jose, bounded and described as follows, to wit:— Commencing at a point in the Westerly line of First Street, in said City distant 304 $\frac{76}{100}$ feet Northerly from the Northwest Corner of the intersection of First and San Antonio Streets:— thence Westerly and at right angles with said line of First Street 80 feet: thence at right angles Northerly 61 $\frac{77}{100}$ feet: thence at right angles Easterly 80 feet, to said Westerly line of First Street: thence at right angles Southerly and along said line of First Street 61 $\frac{77}{100}$ feet to the place of beginning.

Ackn^d October 24th 1874.

Before Chas F. Wilcox, N.P.

Recorded November 5th 1874

Liber 47 of Deeds, page 71

Edward Albon and
Eleanor Albon, his wife
Mortgagors
To
Wampson Thomas.
Mortgagee.

Mortgage

Dated Aug 31. 1878

The said Mortgagors Mortgage to the Mortgagee, all that certain piece and parcel of land, bounded and described as follows, to wit:- The South 10 Varas of Lot one and the North 15 Varas of 4 and the South 10 Varas of Lot 7 and the North 2 1/2 Varas of Lot 3, all in Block one of Range South of the base line, according to the Map or Plat of the City of San Jose.

To secure the payment of $10,000.00 in Gold Coin of the U. S. according to the terms of a promissory note of even date herewith which said note is payable one year after date, with interest on said principal sum from date until paid

at the rate of 10 % per Annum, payable every 3 months and if not so paid to compound.

Buildings on said premises to be kept insured by the Mortgagors, during the continuation of this Mortgage, in favor of, and loss, if any payable to the Mortgagee, in the sum of $1200.00 or less in the discretion of the Mortgagee. The Mortgagors failing to effect such Insurance, the same may be effected by the Mortgagee and the Mortgagors and Mortgaged property are hereby made liable to the Mortgagee for the cost of such Insurance and interest thereon. Insurance by the Mortgagors must be effected with a Company approved by the Mortgagee, and all money paid by the Mortgagee in pursuance of any provision of this Mortgage, while the same remains unpaid to the Mortgagee shall bear interest at the rate of 1¼ % per month

Ackn^d August 31st 1878

Before B. F. Clayton, N. P.

Recorded August 31st, 1878.

Liber 31 of Mortgages, page 175 et seq.

The foregoing Mortgage was duly assigned by Sampson Thomas to James P. Pierce. by assignment dated Nov. 6. 1879. duly signed & Ackq^d Recorded Nov. 6th 1879. Liber B. of Assignments p. 72.

The following entry appears on Margin of Record of Mortgage.

"Satisfied in full this 3rd day of January 1880.
Jas P. Pierce."

Attest:
W. B. Hardy Recorder
A. S. Williams Deputy.

The Pueblo Title.

An Act to authorize the funding of the Debt of the City of San Jose, and to provide for the payment of the same.
Approved April 19th 1856. Statutes of 1856 Chapter 136.

An Act to authorize the funding of the unfunded debt of the City of San Jose, and to provide for the payment of the same.

A Board of Commissioners is created to consist of William Daniels, Thomas Fallon, and James C. Dobb, to be styled the Board of Commissioners of the Funded Debt of the City of San Jose.

May 17th 1858 - Resignation of Thomas Fallon as one of the

Board of Commissioners, accepted by the Board of Trustees of the City of San Jose

Book of Records, page 765.

June 10th 1858. S. O. Houghton elected to fill vacancy.

Book of Records, page 766.

August 2, 1858. Ordinance. The President of the Board of Trustees of the City of San Jose is hereby required and authorized as soon as the bonds required by the Act creating the Commission of the Funded Debt are prepared, to convey to the Commissioners of the Funded Debt of the City of San Jose on their application in writing, all the property and rights, titles and interests in property belonging to said City of San Jose, together with lands, and rights in lands or claims to the same, held or owned by the former Pueblo de San Jose de Guadalupe and all the Pueblo rights of said Pueblo, in trust however for

the uses and purposes set forth and expressed in the said Act, and when said debt so funded shall be fully paid, then it shall be the duty of said Board of Commissioners to reconvey to the City of San Jose the residue and remaining portion of said property remaining unsold and so conveyed to them.

The City of San Jose
By Peter O. Minor, President.
of the Board of Trustees
To
William Daniels,
James C. Cobb and
S. O. Naughton
Commissioners of the Funded Debt
of the City of San Jose.

Deed.

Dated August 4, 1858

Cons. Premises.

Whereas William Daniels, James C. Cobb and Sherman C. Naughton have duly qualified as Commissioners

of the Funded Debt of the City of San Jose in accordance with the requirements of an Act of the Legislature of the State of California, Approved April 21, 1858, Entitled An Act to Authorize the Funding of the unfunded debt of the City of San Jose and to provide for the payment of the same. And whereas the Board of Trustees of the City of San Jose did on August 2, 1858 by an ordinance passed by them and duly approved August 2, 1858, Authorize, empower and direct P. O. Minor, President of said Board of Trustees to make, execute, acknowledge and deliver to said Commissioners a deed of Conveyance, conveying to said Commissioners all the property and rights, titles and interests in property belonging to said City together with lands and rights in lands or claims to the same, held or owned by the former Pueblo de San Jose de Guadalupe and all the Pueblo rights of said Pueblo, in trust however for the payment of the debts of said City. Now, therefore, I, Peter O.

Minor, President of the Board of Trustees of the City of San Jose in behalf of said City, by virtue of the authority conferred on me by said ordinance in consideration of the premises, grant, bargain, sell and convey unto William Daniels, James C. Cobb and S. O. Houghton, Commissioners of the Funded Debt of the City of San Jose and to their successors in office, all those certain lands, lying in the County of Santa Clara, State of California, to wit:- All the property and rights, titles and interests in property belonging to said City, together with lands and rights in lands or claims to the same held or owned by the former Pueblo de San Jose de Guadalupe and all the Pueblo rights of said Pueblo upon trust, to sell and dispose of the same in such manner and at such prices as they may deem the best interests of said City require, and apply all the moneys which shall be received by them from the sales of said lands, to the payment of the funded debt of the City of San Jose,

after paying the necessary expenses of said Board of Commissioners.

Ackn^d August 23, 1858
Before Jno. B. Newson, Co. Clerk
of Santa Clara Co

Recorded September 4, 1858
Liber L of Deeds, page 672.

An Act supplementary to and amendatory of "An Act to authorize the Funding of the Unfunded debt of the City of San Jose and to provide for the payment of the same"
"Approved April 21, 1858"
Approved March 7, 1859. Statutes of 1859.
Chapter 92.

May 2, 1859. Resignation of William Daniels as Commissioner of the Funded debt, accepted.
Book of Records, 295.

June 6, 1859. - Lawrence Archer elected to fill vacancy
Book of Records 300

Feby 3, 1861. Lawrence Archer resigns and Judge Daniels was elected to fill vacancy
Book of Records 376.

An Act supplementary to An act entitled "An act to authorize the Funding of the Unfunded Debt of the City of San Jose, and to provide for the payment of the same. Approved April 21, 1858".
Approved April 8, 1862. Statutes of 1862 Chapter 126.

An Act to amend an act entitled "An Act to authorize the Funding of the Unfunded Debt of the City of San Jose and to provide for the payment of the same Approved April 21, 1858".
Approved April 6. 1863, Statutes of 1863, Chapter 142.

Nov. 14, 1864. - Resignation of S. O. Noughton presented.
Book of Records 241

Nov 15, 1864. - Resignation of S. O. Noughton accepted and Francis E. Spencer elected to fill vacancy
Book of Records page 242.

An Act to abolish the Board of Commissioners of the Funded Debt of the City of San Jose.
Approved Jany 17, 1866. Statutes of 1866 Chapter 79.

Francis E. Spencer
James C. Cobb and
Wm Daniels,
Commissioners of the Funded Debt
of the City of San Jose,
To
The Mayor and Common Council
of the City of San Jose, and their
Successors in office

Deed.

Dated January 26, 1866

Cons., Authority Conferred and $1.00

Whereas, all of the indebtedness of the City of San Jose which existed on the 21st day of April, 1858 and all of the indebtedness of the City which was authorized to be funded by virtue of an Act approved April 21, 1858, has been fully paid. And Whereas the Legislature of the State of California passed an act entitled "An act to abolish the Board of Comissioners of the Funded Debt of the City of San Jose Approved January 17, 1866, wherein it is expressly provided that said Commissioners or a majority thereof

are required to convey to the "Mayor and Common Council of the City of San Jose on the application of the Mayor thereof all the property and rights, titles and interests in property belonging to said Commissioners, together with lands and rights in lands or claims to the same, held or owned by the former Pueblo de San Jose, and whereas the said Mayor of the City Jose did January 25, 1866 make a demand on said Board of Commissioners of the Funded Debt, requiring said Board to make, execute and deliver a proper deed of conveyance from said Board to said Mayor and Common Council" of all the property, and rights, titles and interests in property belonging to said Commissioners which remained in their hands unsold on the 17th day of January A.D. 1866, Now therefore do grant, bargain, sell and convey unto the Mayor and Common Council of the City of San Jose and their successors in office, in trust for the use and benefit of said City and the Citizens thereof, all those

certain lands lying in the County of Santa Clara, State of California, to wit:- All the property belonging to said Commissioners as such rights, titles and interests in all the lands or claims to any and all the lands held or owned by the former Pueblo de San Jose de Guadalupe, meaning thereby all the right, title, claim and interest in the property and lands aforesaid, acquired by said Board of Commissioners by a certain deed of conveyance to said Board, made and executed as such by P. O. Minor as President of the Board of Trustees of the City of San Jose, dated on the 4th day of August A. D. 1858 and recorded in Book L of deeds pp 672 &c in the Office of the Recorders of the County of Santa Clara, excepting from this conveyance, however all such lands as may have been heretofore sold to private persons by said Commissioners

Ackn^d February 3, 1866.

Before Chas. G. Thomas N. P.

Recorded February 6, 1866

Book U of Deeds page 589

An Act to Re-incorporate the City of San Jose — Approved March 14, 1866

A. Pfister
Mayor of the City of San Jose
To
Edward Albon

Deed.

Dated April 13, 1872.

Ordinance authorizing the Sale of Pueblo Lands to Edward Albon

Whereas, by virtue of an act of the Legislature of the State of California, approved January 17, 1866, entitled "An act to abolish the Board of Commissioners of the Funded Debt of the City of San Jose", the Mayor is authorized to sell the lands of said City in such manner and at such prices as the Common Council shall by Ordinance direct. Therefore be it ordained by the Mayor and Common Council of the City of San Jose, as follows:-

Section 1st. The Mayor of said City is hereby authorized and directed to sell and convey to Edward Albon, on payment to

the City Treasurer, the sum of $10.00 the following described tract or parcel of land, being a portion of the Pueblo Lands of the City of San Jose. To have and to hold the same in accordance with such Conveyance. (Which said Conveyance shall be attached to a certified copy of this Ordinance) the said Edward Albon having heretofore complied with the rules and regulations of the Mayor and Common Council of said City, for the sale and disposition of such lands, to wit:- All that certain tract or parcel of land in the City of San Jose, bounded and described as follows:- Commencing on the Easterly line of what was formerly known as San Jose Street, at a point distant 40 Varas Southerly from the Southern line of San Fernando Street, which point is also distant Westerly from the Western line of First Street 245 feet, ~~and from said point of beginning, running Southerly and parallel with First Street 245 feet~~

and from said point of beginning, running Southerly and parallel with First Street 12½ Varas: thence Westerly and parallel with San Fernando Street 51¾ feet: thence Northerly and parallel with First Street 2½ Varas to land of Rothermel: thence Easterly parallel with San Fernando Street 21¾ feet: thence Northerly and parallel with First Street 10 Varas and thence Easterly and parallel with San Fernando Street 30 feet, to the place of beginning.

Section 2nd.— This Ordinance to take effect and be in force from and after its passage and approval "Passed this 12th day of April A.D. 1872 John T. Calahan, City Clerk".

"Approved this 12th day of April A.D. 1872, A. Pfister, Mayor of the City of San Jose".

"I, John T. Calahan, City Clerk in and for the City of San Jose- do hereby certify that the above is a true and correct copy of an original Ordinance now on file in my

office."

"In witness whereof, I have hereunto set my hand and affixed the Seal of said City, this 13th day of April 1872."

City of San Jose Seal

John T. Colahan,
City Clerk

Now, therefore in cons. of the premises and the sum of $10.00 paid by the said party of the second part as in said Ordinance directed, the said party of the first part, for and in behalf of said Mayor and Common Council of the City of San Jose, doth bargain, sell, release, remise and convey to the said party of the second part and to his heirs and assigns forever, all that certain piece or parcel of land, bounded and described as in said Ordinance set forth.— Which said Certified Copy of said Ordinance is hereby referred to for a full description of said premises.— To have and to hold unto

the said party of the second part, his heirs and assigns.— Provided always, that all Covenants of Warranty are hereby expressly excluded herefrom.

In witness whereof the said party of the first part as such Mayor has hereunto set his hand and seal and has caused to be affixed, the Corporate Seal of said City of San Jose, the day and year first above written.

City of San Jose Seal

(Signed) "A Pfister (L.S.)
"Mayor of the City of San Jose"

Ackn^d April 13, 1872.
Before Henry Uhrbrock, N.P.

Recorded April 15, 1872
Liber 10 of Deeds, page 408.

Taxes
State and County and City

1870-71 — Paid
1871-72 Paid
1872-73 Paid
1873-74 Paid
1874-75 Paid
1875-76 Paid
1876-77 Paid
1877-78 Paid
1878-79 Paid
1879-80 Now due
State & County $106.80
City 57.37

Judgments

In 20th District Court, against Martha T. Lewis and in favor of N. N. Kooser, docketed Oct 3d, 1879. for $671.25. — Cause no 5758

Against Martha Lewis and Virginia E. Murphy and in favor of Thomas Fallon, docketed Oct 10th 1879, for $3762.50 and Costs $17.50 Cause No. 5795.

Against Martha T. Lewis and in favor of W. S. Gaines. docketed Oct. 28th 1879 for $2777.50 & costs $46.80 Cause No 5688.

Against Martha T. Lewis and in favor of Geo. F. Baker, docketed Nov 15, 1879. for $5439.65 Debt, $350.00 Counsel fees and $36.85 costs.

Against Charles C. Reed and in favor of A. Pfister & Co., docketed Feb. 6, 1878, for $677.12 debt, and costs $43.15 action No. 5177.

Against James F. Reed, and in favor of Geo. Welch, docketed Nov 29, 1878, for $417.64 debt, & costs $14.10 action No. 5308.

Against James F. Reed and in favor of Jas. Tormey, docketed Oct. 6, 1879, for $23 24.68 debt, & costs $23.65. Action No 5723.

In Justices Court before R. S. Buckner J. P.

Against Martha T. Lewis and in favor of W. D. Castle and Son for $345.15 docketed June 7, 1879. Transcript Recorded July 18, 1879. Book "A" Judgments p. 430.

Against Martha T. Lewis and in favor of W. D. Castle and Son for $76.35 docketed June 7th 1879.

Transcript Recorded July 18, 1879.
Book "A" Judgments, page 431.

Against Martha T. Lewis and in favor of M. Fibiger for $157.08, docketed June 5, 1879.

Transcript Recorded July 18, 1879.
Book "A" Judgments, page 432.

Against Martha T. Lewis and in favor of L. Ross & Son (O. D.) for $284.90, docketed June 10th 1879

Transcript Recorded July 18, 1879,
Book "A" Judgments, page 433.

Against Martha T. Lewis and in favor of Constance Nichols for -$- June 5, 1879

Transcript Recorded July 18, 1879
Liber "A" Judgments, page 435.

Against Martha T. Lewis and in favor of Constance Nichols for $262.95.
Docketed June 5, 1879.
Transcript Recorded July 19, 1879.
Book "A" of Judgments, page 436.

No other Judgment Liens

Street Assessments

For the opening of San Fernando Street $9.17

San Jose November 21. 1879.
Sam P. Harris
Searcher of Records.

Continuation of Foregoing Abstract,

as to those two certain lots bounded and described as follows to wit 1st That certain piece or parcel of land in the City of San Jose. being part of Lot Known on the Survey of said City as Lot Number Two in Block Number One bounded and described as follows: Commencing at the South Western Corner of the land upon which is situated the dwelling house or former residence of Juan Bernal thence running Northerly parallel with the Street a distance of 12½ varas. thence Easterly Forty four and one half varas. thence Southerly Twelve and one half varas. thence Westerly. Twelve and one half varas to the place of begin-

-ning.

2nd That certain lot in the City of San Jose described as follows, to wit: Beginning at a point, Ninety two and five twelfths feet from the South West corner of Lot Three in Block One, Range One. South of the base line and on the Northern line of lands of E. Auzerais & Bro. and running thence along along the Western line of said lot Northerly Twelve and one half varas, thence at right angles Westerly Fifty one and three fourths feet, thence at right angles Southerly 12½ varas to the N.W. corner of land of Auzerais thence Easterly at right angles Easterly along the Northerly line of Auzerais Bros. land. Fifty one and one half feet to the place of beginning. And being that portion of what was formerly "San Jose Street" lying in front of land of Vioget.

< colored "blue" in Diagram >

State of California
Probate Court of the
County of San Francisco.

In the Matter of the Estate
of
Juan J. Vioget. Deceased.

1855
Nov 17. Petition filed as follows:
The Petition of Maria Vioget respectfully shows to this Court that the above named Juan J. Vioget departed this life on the 22° day of October A. D. 1855 leaving him surviving your petitioner his widow and two infant children. And your petitioner further shows that the said deceased, some time previous to his death made and published his last Will and Testament but your petitioner is informed and believes that the said Will is null and void in consequence of certain in-

formalities in the execution thereof and that the said Will is in your petitioners possession and reddy to be produced and proven as the Court shall direct. Your Petitioner therefore Prays that Letters of Administration upon the Estate of said deedent be granted to your Petitioner and that of D.M. Mezes be joined with her as a co-administrator of the said Estate pursuant to the Statute made and provided and for such other and further relief in the premises as the nature of the case may require.

Dated Nov 17. 1855.

Maria Vioget.

Nov 17 Notice and Affidavit of Posting filed as follows:

State of California

County of San Francisco

At a Probate Court of said County held at the Court Room of the said Court in said County on the 17th day of November A.D. 1855.
Present Hon T. W. Freelon.
Probate Judge
In the Matter of the Estate of Juan Vioget deceased
It was ordered that the 3 day of December A.D. 1855. at 11 O'clk A.M. of said day be appointed for hearing the application of Maria Vioget praying for Letters of Administration on the above Estate -
Attest.
Thomas Hayes. Clerk.
State of California
County of San Francisco } ss.
John Lyons being duly sworn doth depose and say that on the 17th day of November 1855 he posted notices in there public places in said County a copy of notice which

is hereto annexed. John F. Lyons.
Sworn to and subscribed
before me this 17 day Nov 1855
Dennis Lyons
Dep. Clk.

Dec 3. Notice and Affidavit of
publication filed as follows:
State of California
County of San Francisco } ss.
In Probate Court
Nov 19. 1855. Present Hon. W.
Freelon County Judge. In the
matter of the last Will and
Testament of Juan J. Vroget
decd. On reading and filing
the application of Maria
Vroget praying for the ad-
mission to Probate of a
document purporting to be
the last Will and Testament
of said deceased and the
issuance of Letters Testamen-
tary to her the Executrix therein
named. Ordered by the Court
that Monday the 3d day of
Dec. 1855. at 11 O'clk. A.M.

of said day be set for hear-
-ing said application and
that Notice of the same
be given to all persons in-
-terested to appear at the
Court Room of said Court
at the City Hall in the City
of San Francisco on that
day and then and there
to show cause if any why
said application should
not be granted, by publica-
-tion in the Placer Times and
Transcript a newspaper
published in the City of
San Francisco up to and
including the day of hear-
-ing said application. Now
therefore, Notice is hereby given
to all persons interested to
be and appear before the
Probate Court of the County
of San Francisco in the Court
Room of said Court in the
City Hall in the City of San
Francisco on Monday the
3d day of Dec A.D. 1855. at

10 O'clk. A.M. of that day and then and there to show cause if any why said document should not be admitted to Probate as the Last Will and Testament of Juan J. Vioget decd and why letters Testamentary should not be issued to Maria Vioget the Executrix named in said Will Dated San Francisco Nov 19. 1855.

Thomas Hayes Clerk.
by D. Lyons. Deputy Clerk.
Attest. Lake & Rose. Attorneys.

State of California
City and County of San Francisco } ss
L. Humphreys. principal Clerk in the Office of the Placer Times and Transcript a Daily and Weekly newspaper published in said City and County being duly sworn deposes and says that the notice of which the annexed printed notice is a copy has been published in said paper at least for the period of two weeks. Com-

-mencing on the 20th day of Nov. 1855 and ending on the 3d day of Dec 1855.

L. Humphrey

Subscribed and sworn before me this 3d day of Dec. 1855.

{Seal} N. L. Sloat
Notary Public

Dec 3. Order for Letters of Administration filed as follows:

In Probate Court
San Francisco County }

This day coming on to be heard the petition of Maria Vioget praying that Letters of Administration may be issued to herself and S. M. Meges in the Estate of her late husband John J. Vioget late of the County of San Francisco decd and proof by Affidavit being made and filed, of the posting of Notices as required by Statute of the time and place set for the hearing of said petition and

Also of the publication of
notice as required by Statute
to all persons interested in
said Estate to show cause
if any, on this day, why a
certain instrument offered to
the Court should not be ad-
-mitted to Probate as the Last
Will and Testament of said
deceased and no person
appearing appearing to opp-
-ose the same it was, upon
motion of Julius K. Rose Esq.
of Counsel for the Petitioner
by the Court. Ordered adjudged
and decreed that the instru-
-ment presented to the Court
as the Last Will and Testament
of said John J. Troget decd
was not properly executed
as a last will and Testament
of Real and personal prop-
-erty having been attested
by but one subscribing Wit-
-ness and for other informal-
-ities and that the petitioner
have leave to withdraw the

said Instrument from the files of the Court and it is further ordered that Letters of Administration on the Estate of said John J. Vioget deceased be issued to Maria Vioget the widow of the decd and to S. M. Meges. on their filing a bond each in the sum of $4000.00 approved by the Court-

San Francisco. 3d Dec. 1855.

F. W. Freelon
Co Judge-

1855
Dec 10. Letters of Administration issued to S. M. Meges. Also to Maria Vioget-

" 22. Order made and filed that all persons having claims against the Estate of John J. Vioget deceased are notified to Exhibit same to S. M. Meges within 10 months and that notice be published once a week for four weeks in

the California Chronicle.

Dec 22. Order filed. Denis Lyons. Charles C. P. Parker and Orrin Bailey appointed appraisers.

" " Inventory & Appraisement filed. Shows: a lot of land at San Jose on Market Street 12½ varas front by 40 varas deep and an old building thereon $250.00

1857

June 1. Affidavit of publication of Notice to Creditors filed & In the California Chronicle once a week for 4 weeks, commencing on the 15th day of Jany 1856 and ending on the 15th day of Feby 1856.

1864

Oct 8. Decree that Notice to Creditors is Established of Record.

1865

July 26. Petition of Maria Vioget widow of deceased for a final accounting filed.

1865

July 26	Final Account of I. M. Mezes and Maria Vioget Administrator and Administratrix filed. with petition that the Court fix a day for hearing same.
" "	Order setting Tuesday August 8. 1865. for hearing same and that notice be given at least ten days in at least three public places.
Aug 8.	Affidavit of posting notice of hearing of final account filed
" 9.	Order appointing D. P. Belknap. to represent William Vioget and John Vioget. upon hearing of final account.
" "	Consent of D. P. Belknap. Attorney for said Minors to the approval of said final account filed
" "	Decree of Settlement of final

account made and filed -

Aug 14 Petition for distribution of Estate filed as follows: The Petition of S. M. Meges and Maria Vroget the Administrator and Administratrix of John J. Vroget decd respectfully shows: That your petitioners were appointed such Administrator and Administratrix by the Order of this Court on the 3d day of Dec. A. D. 1855 and on the 10th day of said month and year they duly qualified as such Administrator and Administratrix and thereupon entered upon Administration of the Estate of said deceased and have ever since continued to administer said Estate that on the 22d day of Dec A. D. 1856 your petitioner duly made and returned to this Court a true inventory and appraisement of all the Estate of said deceased

which had come to their possession or knowledge. That on the – day of January A.D. 1856 your petitioners duly published notice to Creditors to present their claims against the said deceased in the manner and for the period prescribed by this Court, that more than one year has elapsed since the appointment of your petitioners as such administrator and administratrix. and more than 10 months have expired since the first publication of said notice to Creditors. That on the 26th day of July 1865. your Petitioners filed their accounts as such Administrator and administratrix together with a report of their administration which said accounts after due hearing and Examination were finally settled. That all the debts of said Estate and all the Expenses of the Adm.

-nistration thereof thus far incurred and all taxes that have attached to or accrued against the said Estate have been paid and discharged and said Estate is now in a condition to be closed. That the residue of the said Estate now remaining in the hands of your Petitioners is fully set forth and described in the Schedule marked A. here-unto attached and made a part of this petition. That the whole of said Estate is common property having been acquired by the said John J. Vroget while he was the husband of your petitioner Maria Vroget, otherwise than by gift bequest devise or decedent. That the said John J. Vroget died intestate in the City of San Jose, County of Santa Clara on 22 of Oct. 1855. leaving him surviving two children issue of his

marriage with your petitioner
to wit: William Vioget now
aged about 18 years and
John Vioget now aged about
14 years and petitioner his
widow: all now living
that the said deceased
left no other descendants
than the two children above
named that at the time
of his death the deceased
resided in the Co. of San
Francisco, State of Cal^a
That the said William Vioget
and John Vioget minors are
entitled each to one fourth
part and your petitioner
Maria Vioget to one half
part of the residue of said
Estate. Wherefore Your peti-
tioners pray that the Admi-
istration of said Estate be
closed and that they may
be discharged from their
trust as such administrator
and administratrix. That
after due notice given and

proceedings had the Estate remaining in the hands of your petitioners as aforesaid may be distributed to the said parties entitled thereto as aforesaid to wit: to the said Wm Vroget one fourth: to the said John Vroget one fourth: and to your petitioner Maria Vroget one half thereof, or that such other or further order may be made as is meet in the premises. And your petitioner will ever pray &c.

Dated Aug 14. 1865.

S. M. Mezes.

Maria Vroget.

Sidney L Johnson.

Attorney of Petitioners.

1865

Aug 14. Order to show cause why a decree of Distribution should not be made and setting Thursday Sept 14. 1865. for hearing same and that a copy of said Order be published

for four successive weeks in the Daily Evening Bulletin -

1865.

Sept 14 Affidavit of publication of notice of hearing in the Daily Evening Bulletin daily Sundays excepted for four successive weeks Commencing August 15. 1865. and Ending Sept 13. 1865.

Oct 9. Order. John W. Brunagin appointed Attorney for minor heirs upon hearing of petition for distribution.

Dec 28. Consent of John W. Brunagin Attorney of Minor heirs to distribution, filed.

" " Decree of Distribution entered as follows: S. M. Mezes Administrator and Maria Vroget Administratrix of the Estate of John J. Vroget deceased having on the 14th day of Aug. A. D. 1865. filed in this Court

their petition setting forth a-
mong other matters, that their
accounts have been finally
settled that all debts of
said Estate and the expenses
and charges of Administration
have been paid, that a portion
of said Estate remains to be
divided among the heirs and
distributees of said deceased
and praying for an order of
distribution of the residue of
said Estate among the persons
entitled, And this Court hav-
ing thereupon to wit: on the
day aforesaid made an
order directing all persons
interested in said Estate to be
and appear before this Court
at the Court Room thereof on
Thursday the 14th day of Sept
a. D. 1865. at 2 o'clk. P.M. then
and there to show cause why
an order of distribution should
not be made of the residue of
said Estate among the heirs
of said Deceased according

to law and directing a copy of said order to show cause to be published for four successive weeks before said 14th day of September A.D. 1865 in the Daily Evening Bulletin a newspaper printed and published in the City and Co. of San Francisco. And at said hour on said 14th day day of Sept. A.D. 1865. upon satisfactory proof of the due publication in said newspaper of said order to show cause for 4 successive weeks before said 14th day of Sept A.D. 1865. as directed by this Court the further hearing of this Application was continued to Thursday the 21st day of Sept. A.D. 1865 at 2 o'clk P.M. the said Administrator and Administratrix appearing by their Counsel Sidney L. Johnson Esq. and the said J.M. Meges Administrator being present in

person. this Court proceeded to the hearing of said petition and the inventory and appraisement of said Estate, the final account of said Administrator & Administratrix, the decree allowing and settling the same and the decree of due publication of notice to Creditors together with other documentary and Record proofs were offered and put in evidence and the said S. M. Meges having been examined under oath in Open Court and it appearing to the Satisfaction of this Court from said documentary and other proofs and said examination of said S. M. Meges. That said S. M. Meges and Maria Vioget duly qualified as such Administrator & Administratrix on the 10th day of Dec A.D. 1855 and thereupon entered upon the administration of said

Estate and have ever since continued to Administer the same. That due and legal notice to Creditors was published and that a true inventory and appraisement of said Estate were duly made and returned to this Court That more than one year has elapsed since the appointment of said J. M. Meges and Maria Voget as such Adm^r and Administratrix and more that 10 months have expired since the first publication of said notice to Creditors that on the 26th day of July A. D. 1865 said Administrator and Administratrix filed their accounts and that after due hearing and examination the same were finally settled. That the said Administrator and Administratrix have fully accounted for all the Estate that has come to their hands and that the whole Estate

so far as has been discovered
has been fully administered
and the residue thereof con-
-sisting of the property here-
-in after particularly described
is now ready for distribution
That all the debts of said
Estate, and that all expenses
of the Administration thereof
thus far incurred and all
taxes that have attached to
or accrued against the said
Estate have been paid and
discharged and said Estate
is now in a condition to
be closed. That the whole
of the property of said Estate
is common property. That
the said John J. Vioget died
intestate in the County of
Santa Clara, on the 22d day
of October A.D. 1855 leaving
him him surviving 2 children
issue of his marriage with
the said Maria Vioget. Ad-
-ministratrix, to wit: Wm Vioget
now aged 18 years - & John

Troget now aged 14 years and the widow said Maria Troget all now living and at the time of his death the residence of the deceased was in the County of San Francisco as their constituted That since rendition of said final accounts the sum of $240. has come into the hands of said Administrator S. M. Meges. and the sum of $432 64 has been expended by S. M. Meges Administrator as necessary expenses of administration the vouchers whereof together with a statement of such receipts and disbursements are now presented and filed and the payments are approved by this Court and that a balance of $30 46 in favor of said Estate remains in the hands of said S. M. Meges Administrator as shown by said Administrator's

supplemental account
and vouchers herein filed
on the 9th of October 1865.
That the said Wm Vioget and
John Vioget, minors are each
entitled to one fourth, and
the said Maria Vioget widow
to one half of the residue of
said Estate being common
property, now on this the
said 28th day of Dec. A. D.
1865. on motion of Sidney
L. Johnson Esq. Counsel for
said Administrator and Ad-
-ministratrix no exceptions or
objections being filed or made
by any person interested
in the said Estate or other-
-wise it is hereby ordered ad-
-judged and decreed. That
all the acts and proceed-
-ings of said Administrator
and Administratrix as re-
-ported to this Court and as
appearing upon the records
thereof be and be and the
same are hereby approved

and confirmed and that after deducting said Estimated Expenses of closing the Administration the residue of said Estate of said John J. Vroget decd hereinafter particularly described and now remaining in the hands of said Administrator and Administratrix and any other property not known or discovered which may belong to said Estate or which the said Estate may have any interest he and the same is hereby distributed as follows to wit: To the said Maria Vroget widow of the said J. J. Vroget decd one undivided half part. to Wilhain Vroget one undivided one fourth part and to John Vroget one undivided one fourth part and it is further ordered that the said S. M. Meges. Administrator

and Maria Vioget, Administratrix, upon payment and delivery of said residue as hereinbefore ordered, and upon filing due and proper vouchers and receipts therefor in this Court be fully and finally discharged from their trust as such Administrator and Administratrix and that their sureties shall thereupon and thence forth be discharged from all liabilities for the future of said Administrator and Administratrix. The following is a particular description of said residue of said Estate referred to in this decree, and of which distribution is ordered adjudged and decreed as aforesaid to wit:

x x x x a lot of land at San Jose on Market

shut 12½ varas front by 40 varas deep. and old buildings thereon.
Land other property >
Ordered that certified copy of this decree be recorded in Offices of Recorders of San Francisco, San Mateo Santa Clara, Solano. and Sonoma Counties.
Dated Dec 28. 1865.
M. C. Blake.
Probate Judge.

1866
March 26. Order Maria Voget appointed Guardian of the persons and Estates of Wm Voget and John Voget. Minors.

" " Receipt of Maria Voget for herself and as Guardian of said Minors filed.

" 28. Decree. That J. M. Meyes and Maria Voget. Administrator and Administratrix, have fully and faithfully discharged the

the duties of their trust that they are wholly discharged from further duties &c. &c.

M. Leavenworth, Mayor
of the City of San Jose, for
and on behalf of the Mayor
and Common Council of said City.
To
Maria Vioget.

Deed

Dated February 6. 1869.

Cons of Ordinance thereto
authorizing and of $58=
Ordinance authorizing the sale
of Pueblo lands to Maria Vioget
Be it ordained by the Mayor and
Common Council of the City of San
Jose as follows:
Section 1st The Mayor of said
City is hereby authorized and di-
rected to sell and convey to
Maria Vioget on payment to the
City Treasurer the sum of $58= the
the following described tract or
parcel of land, being a portion
of the Pueblo Lands of the City of
San Jose to have and to hold the
same in accordance with such
conveyance which said conveyance

shall be attached to a certified copy of this Ordinance > the said Maria Troget having heretofore complied with the rules and regulations of the Mayor and Common Council of said City for the sale and disposition of such lands to wit. All that certain tract or parcel of land lying and being in the City of San Jose. Beginning at a point 92 feet 5½ inches from the South West corner of Lot 3. in Block one of Range One South of the base line and on the Northern line of lands of E. Angerais & Bro. and running thence along the Western line of said lot Northerly 12½ varas. thence at right angles Westerly 51¾ feet. thence at right angles Southerly 12½ varas to the N.W corner of land of Angerais & Bro. thence at right angles Easterly and along the Northerly line of Angerais & Bros land 51¾ feet to the place of beginning. And being that portion of what was

formerly known as San Jose Street lying in front of said Maria Vroget Section 2d This Ordinance to take effect and be in force from and after its passage and approval Passed this 1st day of Feb. A.D. 1869. <signed>

John T. Colahan. City Clerk.

<Endorsed>

"Approved this 2d day of February A.D. 1862. M. Leavenworth. Mayor of the the City of San Jose."

Copy of said Ordinance prefixed to this deed. Attested February 6th 1869. under the seal of said City by John T. Colahan. City Clerk.

Now therefore in Cons. of said Ordinance and of the sum of $58= paid by said party of the second part as in said Ordinance is set forth. the said party of the first part Doth bargain sell release remise and convey unto the party of the second part and to her heirs and assigns forever all that certain piece or parcel of land in the City of San Jose,

bounded and described as in said Ordinance is set forth which said Certified Copy of said Ordinance is hereby referred to for a full description of said premises. Habendum to the party of the second part her heirs and assigns. Provided always that all Covenants of warranty are hereby expressly excluded herefrom. in Witness whereof the party of the first part has hereunto set his hand and seal and has caused to be affixed the Corporate of said City of San Jose the day and year first above written.

Signed, M. Leavenworth.

Seal of the City of San Jose

Mayor of the City of San Jose.

Acknd February 6. 1869

Before J. C. Bland N. P.

Recorded February 20. 1869

Book 10 of deeds page 139.

Maria Vioget
To
Charley To Kaw <Chinese>

Lease

Dated Dec 3. 1869.

Do demise and let unto the party of the second part his assigns or Executors. the following piece or tract of land in the City of San Jose to wit: Beginning on the Eastern line of Market Square at the N.W. corner of land of Anzerais & Bro. running thence Easterly along the Northern line of Anzerais & Bro's land to land of Albon. thence at right angles Northerly 12 1/3 varas. thence Westerly along the line of Albon's land about 190 feet to line of Market Square thence along the line of said Square. Southerly to place of beginning. For the Term of 5 years from the 1st Day of December 1869 at the monthly rent of 15$ payable monthly in advance.

Recorded Dec 4. 1869. Book B. Leases. p. 207.

Maria Vioget
To
R. K. Ham.

Deed

Dated October 22 1872.

Cons. One dollar.

Does grant bargain sell alien remise release convey and confirm unto the party of the second part and to his heirs and assigns forever. all the equal undivided one half <½> of that certain lot in the City of San Jose described as follows: Beginning at a point 92 5/12 feet from the South West corner of Lot 3. in Block 1. Range 1. South of the base line and on the Northern line of lands of E. Auzerais and brother and running thence along the Western line of said lot Northerly 12½ varas, thence at right angles. Westerly 51¾ feet, thence at right angles Southerly 12½ varas to North West corner of land of Auzerais

& Brother. thence at right angles Easterly along the Northern line of Auzerais Brother's land 51½ feet to the place of beginning and being that portion of what was formerly Sanfose Street lying in front of land of Vioget. Covenant of Warranty against acts of Grantor—

Ackd Oct 22. 1872
Before M. S. Wilson N. P.

Recorded Oct 23. 1872
Book 26. of deeds page 533.

William H. Vioget
To
Richard K. Ham

Deed

Dated July 23. 1870

Cons $500.00

Doth grant bargain and sell convey and convey and confirm unto the party of the second part and to his heirs and assigns forever. All my right title and interest in and to the undivided one fourth part of that certain piece or parcel of land situated and described as follows to wit: 1st That certain piece or parcel of land in the City of San Jose being part of lot known on the Survey of said City as Lot No. 2. in Block No. 1. bounded and described as follows. Commencing at the South Western corner of the land upon which is situated the dwelling house or former residence of Juan Bernal. thence running Northerly parallel with the Street, a

distance of 12½ varas. thence Easterly 44½ varas. thence Southerly 12½ varas. thence Westerly 12½ varas to the place of Commencement. and being the same property acquired by my deceased father from Espie & Gosse by deed bearing date the 16th day of June 1851. and recorded on the 20th day of June 1851. in Book B of deeds page 379.-380. Records of Santa Clara County and to which deed for a more particular description reference is hereby made.

2d All my right title and interest in and to the undivided one fourth part of that certain lot in the City of San Jose described as follows to wit: Beginning at a point 92 5/12 feet from the S.W. corner of Lot 3 in Block one Range one South of the base line and in the Northern line of lands of E. Angerais & Bro. and running thence along the western line of said lot. Northerly 12½ varas thence at right angles Westerly 51¾

feet thence at right angles Southerly 12½ varas to the N. W. corner of land - Anzerais. thence at right angles Easterly along the Northerly line of Anzerais Bros land 51½ feet to the place of beginning. and being that portion of what was formerly San Jose Street. lying in front of land of Voget

Ackn'd July 23. 1870
Before Jos. R. Johnson.
County Recorder
by Henry Uhrbrook.
Deputy Co. Recorder

Recorded July 23. 1870
Book 18 of Deeds page 234.

John J. Vioget
To
R. K. Ham.

Deed

Dated Sept 24. 1872.

Cons $500 00

Does grant bargain sell alien remise release convey and confirm unto the party of the second part and to his heirs and assigns forever. all that the undivided one fourth part of in and to that piece or parcel of land situate in the City of San Jose. Bounded. Beginning at the point of intersection of the Northerly line of the property of E. and J. Angerais with the Easterly line of San Jose Street and running thence Northerly on said line of San Jose Street 12½ varas. to the South West corner of the property of E. Albon. thence at right angles Easterly along the Southerly line of said property 174 feet 9 inches a little more or less, thence at right angles South.

-erly 12½ varas thence at right angles Westerly along the Northerly line of said property of E & J. Angerais 174 feet & 9 inches a little more or less to the place of begin-ning. And being part of lot No. 3. in Block No. one. Range No. one South of the base line of the said City according to the official map thereof - And also the lot 12½ varas wide by 51¾ feet deep immediately in front of and connecting said part of lot 3 with East line of Market street and being the property for many years past in the possession of the heirs of John - Vroget decd. Full Covenant of Warranty.

Acknd Sept 24. 1872
Before Alfred Daggett N.P.

Recorded Sept 25. 1872
Book 26 of deeds page 343.

Taxes.

State and County and City -

State and County 1870-71 assessment not found. uncertain

City 1870-71. Paid.

1871-72 Paid

1872-73 Paid

1873-74 Paid

1874-75 Paid

1875-76 Paid

1876-77 Paid

1877-78 Paid

1878-79 Paid

1879-80 Now due.

No Judgment Liens

San Jose December 22. 1879.

Sam P. Howes

Searcher of Records

Continued as to Interest of James P. Pierce.

Edward Albon

To

J. P. Pierce

Deed

Dated Jany 2nd 1880.

Cons $12250.

Does grant, bargain sell and convey unto the said party of the second part, and to his heirs and assigns forever, All that certain lot or parcel of land lying in the City of San Jose, &c, described as follows, to wit: Beginning at a point on the Westerly line of First Street distant 120.42 feet Southerly from its intersection with the South line of San Fernando Street and running thence Southerly along said Westerly line of First Street 64.77 feet to the center line of the North wall of the brick building of Auzerais, thence Westerly at right angles to the line of First Street, and along the center line of said brick wall and its prolongation 142.10 feet, thence Northerly and parallel to First Street 68.12 feet

and thence Easterly 142.14 feet to the place of beginning.

(sgd) Edward Albon (seal)

Ackg^d Jany 3^d 1880
Before B. F. Clayton N.P.

Recorded June 3^d 1880
Liber 54 of Deeds p. 310.

Alvino F. Pico.
(Son of Maria del Pilar Bernal de Pico. widow. and Antonio M. Pico. deceased)
To
Charles Henry Scanlan

Deed
Dated May 21st 1881.
Cons $25000.

Does grant. bargain and sell &c. Lots in City of San Jose. &c. x x x Being Lots 1-2-3-4-5-6-7 & 8. and all the land lying between said lots. and said Easterly lines of

said Market street and San Jose street. and all of the above described land and premises being in Block 1. Range 1 South of the City of San Jose, as laid down re. (and other lands)

(Sgd) Alvino F. Pico (seal)

Ackgd May 21st 1881.
Before N. N. Stephens County Recorder
By N. N. Hetchcock Deputy.

Recorded May 21. 1881.
Liber 59 of Deeds p. 629.

Note: No further search made of this interest (Searchers)

Taxes.
State County and City.
1879 & 80 to 1882 & 83. Inclusive Paid
1883 & 84 Now being assessed. Lien Attached

No Judgment Liens.

San Jose Cal.
March 29th 1883. at 11.30 A.M.
Thomas H. Cordell and
Edward Halsey
Searchers of Records

73.6
46-
119.

Continuation
of
The Foregoing Abstract.

As to

The premises described in the following deeds from Alex. H. Rutherford to Luis Antonio Arguello, and J. P. Pierce to Luis Antonio Arguello.

See page 757.

Alexander H. Rutherford

To

Luis Antonio Arguello.

Deed.

Dated Feby 27, 1883.

Cons. $30000.

Grant, bargain, and sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate in the City of San Jose, County of Santa Clara, bounded and described as follows, to wit:

Commencing at the South West corner of the intersection of First Street and San Fernando Street in said City and running thence Southerly along the Westerly line of First street 122 feet more or less to the land now in possession of J. P. Pierce and formerly in possession of E. Albon; thence Westerly and along the Northerly line of said land now in possession of Pierce 118 $\frac{52}{100}$ feet, more or less, to the land now in possession of one Greninger; thence Northerly and along the Easterly line of said land now in

possession of said Greeninger 118 $\frac{16}{100}$ feet more or less to the Southerly line of San Fernando Street; thence Easterly and along said line of San Fernando Street 118 $\frac{50}{}$ feet more or less to the place of beginning and being a part of Lot 1 in Block 1, Range 1 South of the base line in said City, and being the same premises conveyed to said A. N. Rutherford by C. T. Ryland and by F. E. Spencer and B. P. Rankin by deeds dated respectively April 9 A. D. 1872, recorded in Book 25 of Deeds page 28 et. seq. Records of Santa Clara County and July 13 A. D. 1875, recorded in Book 36 of deeds page 417 et seq. Records of Santa Clara County.

Ackd. Feby. 28, 1883.

Before Holland Smith N. P.

San Francisco.

Recorded Mch. 2, 1883.

Book 67 Deeds page 430

The United States
of America
To
The Mayor and Common Council
of the City of San Jose,
their successors and assigns.

Patent.

Dated June 4, 1884.

Do give and grant unto the said Mayor and Common Council of the City of San Jose, their successors and assigns, the tract of land embraced and described in the foregoing Survey (embracing within its exterior boundaries the City of San Jose)

To have and to hold &c.

(signed) By the President
Chester A. Arthur
By Wm H. Crook, Secretary.

S. W. Clark, Recorder of the General Land Office.
Recorded Vol. 12 p. 341 to 426 inclusive.

Recorded July 11th 1884.
Liber D Patents p. 12.
Records of Santa Clara County,
California.

J. P. Pierce
To
Luis Antonio Arguello.

Deed.

Dated April 2, 1883

Cons. $15000.

Grant, bargain, sell, convey and confirm unto second party and to his heirs and assigns forever, all that certain lot of land in the City of San Jose, County of Santa Clara, State of California, described as follows:

Beginning at a point on the Westerly line of First street distant 120 $\frac{42}{100}$ feet Southerly from its intersection with the South line of San Fernando street, and running thence Southerly along said Westerly line of First street 64 $\frac{77}{100}$ feet to the center line of the North wall of the brick building of Auzerais; thence Westerly at right angles to the line of First street and along the center line of said brick wall and its prolongation 142 $\frac{10}{100}$ feet; thence Northerly and parallel to First Street 68 $\frac{12}{100}$ feet; and thence Easterly 142 $\frac{14}{100}$ feet to the place of beginning

And being the same premises described in deed from Edward Albon to J. P. Pierce of record in Book 54 of deeds page 310, records of Santa Clara Co. Cal.

Covenant of warranty against acts of party of first part, and his heirs &c.

(sgd) Jas. P. Pierce (seal)

Ackd. April 6, 1883

Before Jas. B. Capp N.P.

Recorded April 6, 1883.

Book 67 Deeds page 562.

Taxes

State, County and City.

Fiscal years

1872-73 to 1891-92 } Paid.

1892-93 Now a Lien.

Street Assessments Paid.

No Judgment Liens.

The foregoing Continuation consisting of pages 539 to 545 inclusive, made at San Jose, Cal. June Sixteenth 1892, at Nine o'clock A.M.

San Jose Abstract, Title and Trust Co.
By J. C. Edwards
Manager

Continuation
of
The Foregoing Abstract.

AS TO

All that parcel of land described in the following Deed from Luis A.Arguello to James Arguello,his son. Subsequent to June 16,1892.

Luis A.Arguello

TO

James S.Arguello,his son

DEED

Dated June 6,1895.

Cons:Love and Affection.

Do give,grant,alien and confirm unto my said son and to his heirs and assigns forever, subject to the reservations hereinafter named, that piece of real property situate in the City of San Jose,County of Santa Clara,described as follows:

Beginning at the point of intersection of the Southerly line of San Fernando Street with the Westerly line of First Street and running thence along the said Westerly line of First Street Southerly 73.12 feet;thence at right angles and parallel to San Fernando Street Westerly 58.60 feet;thence at right angles and parallel to First Street Northerly 73.12 feet to the Southerly line of San Fernando Street and thence at right angles and along the Southerly line of said Street Easterly 58.60 feet to the place of beginning.

Being a part of Lot 1 Block 1 Range 1 South of the base line in said City.

Reserving unto myself, in the above described property, the possession, use and enjoyment of said property and the rents,issues and profits thereof during my natural life.

To Have and To Hold the above described property subject to the reservations aforesaid, unto my said son James S. Arguello,his heirs and assigns forever, the true intent hereof being to retain to myself, so long as I shall live, an estate for life, in the said property and to give and convey

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SAN JOSE, CAL.

to my said son the remainder in fee simple, the same to commence in possession at the time of my death.

(Sgd) Luis Ant.Arguello

Acknd. June 6,1895.

By Luis Ant.Arguello

Before J.E.Fisher,N.P.

Recorded June 7,1895.

Liber 181 of Deeds,Page 434.

James S.Arguello

party of the first part

Willis S.Clayton

of the second part

AND

James A.Clayton and Company

of the third part

DEED OF TRUST

Dated October 28,1897.

To secure to third party the payment of $250. Conveys to second party the real property described as follows:

(Same as in Liber 181 of Deeds,page 434 Arguello to Arguello)

Upon trust to reconvey unto the first party in case payment be made of all sums due third party.

Recorded October 29,1897.

Liber L of Trust Deeds,Page 136.

Released and Reconveyed unto James S.Arguello by Instrument dated June 1,1898, executed by W.S.Clayton, Trustee, and recorded on June 1,1898 in Liber 211 of Deeds, page 114.

N O T E

Luis Antonio Arguello died on December 5,1898 in the Town and County of Santa Clara,State of California being at the time of his death a resident thereof and leaving estate therein consisting of personal property, and leaving a Will dated May 16,1898 in which he says (among other things) "I,having made provision for my children James S.Louisa and Margarita, I make no further bequests to them."

Said will together with the Petition of Edelfrida C.de Arguello for Probate thereof, was filed December 10,1898

After due proceedings had, an Order admitting said Will to Probate and appointing Edelfrida C.de Arguello Executrix thereof, was made,entered and filed on December 30, 1898 and on the same day Letters Testamentary were duly issued to her.

Estate No.4168.

IN THE SUPERIOR COURT OF THE COUNTY OF SANTA CLARA,

STATE OF CALIFORNIA.

Dept.No.2.

Carlos Arguello

VS

James S.Arguello

LIS PENDENS

Dated December 31,1898.

To obtain a decree adjudging and decreeing the defendant to be the trustee of the title and possession of the lands and premises located in the City of San Jose,County of Santa Clara,described as follows:

(Same as in Liber 181 of Deeds,Page 434 Arguello to Arguello)

And to obtain an order and decree of said Court adjudging a certain Deed made by Luis Ant.Arguello to the defendant on June 6,1895 of the above described property to have been made to said defendant, in trust, to convey the undivided one-half part thereof, upon the death of said Luis Ant. Arguello,to this Plaintiff.

And to restrain said defendant from incumbering or disposing thereof in the meantime and until the final judgment of the Court in this action.

H.V.Morehouse and F.J.Hambly and

D.W.Herrington,

Attys for Plaintiff

Recorded January 3,1899.

Liber 6 of Lis Pendens,Page 62.

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SAN JOSE, CAL.

Reg.Q,Page 227. Case 12655.

1899	
Jan.3	Complaint filed.
Jan.3	Summons issued.
June 1	Amended Complaint filed.
July 12	Answer of defendant filed.
1900	
May 29	Dismissal of action filed.
May 31	Judgment of Dismissal filed and entered in Judgment Book C,No.1,Page 227.
May 31	Roll filed.Judgment of Dismissal Docketed.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA.

Dept.No.3.

In the Matter of the Application
of James S.Arguello for the
termination of a certain Life Estate

OF

Luis Ant.Arguello

Reg.A,Page 421. Case 12663.

1899

Jan.6 Petition of James S.Arguello,filed.

Shows:That the lot and parcel of land hereinafter described is situate in the City of San Jose County of Santa Clara,State of California.

That petitioner James S.Arguello is the son of said Luis Ant.Arguello and the same person named as grantee in the Deed hereinafter referred to.

That on June 6,1895 Luis Ant.Arguello being then the owner and in possession of the above mentioned and hereinafter described lands did by his deed of that date duly executed acknowledged and delivered by him, said Luis Ant.Arguello,give, grant and convey the above mentioned and hereinafter described premises to this petitioner James S.Arguello, which said Deed is of record in the Recorder's Office of the said County of Santa Clara,State of California, in the records thereof in Book 181 of Deeds,at page 434 et seq.

1899

That by said Deed, said Luis Ant.Arguello retained and reserved unto himself the possession, use and enjoyment of said above mentioned and hereinafter described property and the rents,issues and profits thereof, for and during the natural life of said Luis Ant.Arguello and therein and thereby reserved unto himself an estate in said given and granted premises for the term of his own life.

Said premises so given,granted and conveyed and in which said life estate was so reserved and created are described as follows:

That piece of real property situate in the City of San Jose,County of Santa Clara,State of California, described as follows,

(Same as in Liber 181 of Deeds,page 434 Arguello to Arguello)

That said Luis Ant.Arguello died being then the owner of his said life estate, at the said County of Santa Clara,State of California, on December 5,1898 and his said life estate and all right title and interest and estate in said premises and every part and parcel thereof terminated by reason of his said death and thereby this petitioner James S.Arguello became and yet is the owner in fee simple absolute of the said premises and every part thereof.

Prays the Court to fix a time and place for the hearing of this petition and directing such notice of such hearing to be given as to the Court may seem proper, and at such time and place the Court hear this petition and the evidence which may be offered in support thereof and then make

1899	a decree that the life estate of said Luis Ant. Arguello in said premises is absolutely terminated by reason of the death of said Luis Ant.Arguello, and for such other,further or different relief in the premises as the Court may seem meet and proper. Dated January 6,1899. (Sgd) William A.Bowden, Atty for Petitioner. (Duly Verified)
Jan.6	Order appointing Monday January 9,1899 day for hearing upon said petition and directing the Clerk to give notice thereof by publication one day before such hearing in the San Jose Daily Mercury, filed.
Jan.6	Clerk's Notice, showing appointment of January 9, 1899 for hearing upon said petition ,filed.
Jan.6	Order transferring cause to Dept.No.1.
Jan.9	Affidavit of H.A.De Lacy ,principal Clerk of the printers of the San Jose Daily Mercury of Publication of Notice of Time and Place appointed for hearing upon said Petition, in said newspaper for one issue, the 7th day of January 1899, filed.
Jan.9	Order continuing hearing to January 13,1899.
Jan.13	Order continuing hearing to January 16,1899.

1899	
Jan.16	Plea of Carlos Arguello, a son of Luis Ant.Arguello deceased, in Intervention,filed.
Jan.16	Cause on trial.Objections of Carlos Arguello overruled.Matter submitted and judgment ordered.
Jan.30	Findings filed.
Jan.30	Decree filed. Ordered,Adjudged and Decreed that the life estate of said Luis Ant.Arguello in and to that certain property situate in the City of San Jose,County of Santa Clara,State of California, and described as follows: (Same as in Liber 181 of Deeds,Page 434 Arguello to Arguello) was as to the said Luis Ant.Arguello absolutely terminated on December 5,1898 by reason of his said death. Done in open Court January 30,1899. (Sgd) W.G.Lorigan, Judge of the Superior Court. Decree recorded in Judgment Book V,Page 505.
Jan.30	Roll filed.Decree docketed. N O T E : A certified copy of foregoing Decree was recorded in the office of the County Recorder of the County of Santa Clara,State of California on March 26,1901 in Liber 10 of Miscellaneous Records,Page 265.

Rita Barron

George H.Barron,her husband

Mamie J.Kinney and

Albert R.Arguello

Carlos Arguello

or as sometimes called

Charles F.Arguello

— TO —

Margaret F.Arguello and

James S.Arguello

to each as hereinafter designated and

written and to Louisa L.George

the piece as below specified

D E E D

Dated February 9,1899.

Stamp $30.00 cancelled.

In consideration $1.00 (and the granting of the California Block to them)

Doth remise,release and forever quit claim unto the said parties of the second part and to their heirs and assigns all those certain parcels of land in the City of San Jose, and Town of Santa Clara,County of Santa Clara,described as follows, to wit:

To said Margaret F.Arguello all the property described in that certain deed of gift made by Luis A.Arguello to Margaret F.Arguello dated June 6,1895 and recorded on June 7,1895 in Book 181 of Deeds,at page 438 Records of Santa Clara County, and to said James S.Arguello all the property described in that certain deed of gift made by Luis A.Arguello to James S.Arguello dated June 6, 1895 and recorded on June 7, 1895 in Book 181 of Deeds,at page 434 Records of Santa Clara

County, and to said Louisa L.George (formerly Louisa L.Arguello) all the property described in that certain deed of gift made by Luis A.Arguello to Louisa L.Arguello dated June 6,1895 and recorded June 7, 1895 in Book 181 of Deeds,at page 436 Records of Santa Clara County.

Acknd. February 9,1899.

(by George H.Barron,Rita A.Barron and Mamie J.Kinney)

Before Clara M.Cothran,N.P.

Acknd. (by Albert R.Arguello) February 24,1899.

Before W.S.Clayton,N.P.

Acknd. November 12,1900.

(by Charles F.Arguello sometimes called Carlos Arguello)

Before Wesley Pieper,N.P.

Recorded January 5,1901.

Book 235 Deeds,Page 524.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA.

Dept.No.3.

Carlos Arguello

VS

James S.Arguello

LIS PENDENS

Dated May 29,1900.

For the purpose of obtaining judgment in the above entitled Court, among other things decreeing that Plaintiff is the owner of an undivided one-half interest in and to the real property hereinafter described and that said defendant holds said real property as to an undivided one-half thereof in trust for plaintiff; said real property hereinabove referred to is all that parcel of land situate in the City of San Jose,County of Santa Clara and described as follows:

(Same as in Liber 181 of Deeds,page 434 Arguello to Arguello)

Sullivan & Sullivan,

Attys for Plff.

Recorded May 29,1900.

Liber 6 of Lis Pendens,Page 384.

Reg.B,Page 133.Case 13429.

1900	
May 29	Complaint filed.
May 29	Summons issued.
Sept.5	Answer of defendant filed.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL

3-6-9

1900	
Nov.12	Dismissal of Action filed.
Nov.12	Cause tried.Judgment ordered for Defendant.
Nov.12	Findings filed.
Nov.12	Decree filed.
	Ordered,Adjudged and Decreed that the defendant is the owner of the whole title of the premises described in said Deed, and of all right, title and interest therein, and the same is not nor is any part thereof subject to any trust whatever and that the Plaintiff has no right,title,interest or estate therein,either in law or in equity.
	That the following is a description of the lands described in said Deed.
	That piece of property situate in the City of San Jose,County of Santa Clara,described as follows:
	(Same as in Liber 181 of Deeds,page 434 Arguello to Arguello)
	That the Plaintiff herein take nothing by this action, and that the Defendant herein have and recover from said Plaintiff, his costs herein taxed at $44.90.
	Dated November 12,1900. (Sgd) A.L.Rhodes,Judge.
	Decree recorded in Judgment Book X,Page 530.
Nov.12	Roll filed.Decree Docketed.
Nov.14	Cost Bill filed.

T A X E S

S T A T E C O U N T Y & C I T Y

S.W. 1st & San Fernando S 73.12 x 58.60 .Part Lot 1 Block 1

Range 1 South.

Fiscal years

1892-93)
)
TO : PAID.
)
1900-1901)

1901-1902 1st Installment Paid.

2nd Installment Due and Payable.

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 446 to 561 inclusive, made at SAN JOSE, CALIFORNIA, FEBRUARY TENTH, 1902 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By D C Edwards

Manager.

Continuation
of
The Foregoing Abstract.
AS TO

THE INTEREST OF J.S.ARGUELLO.

James S. Arguello, a single man,

of the first part

E. W. Clayton

of the second part

W. S. Clayton

of the third part

DEED OF TRUST

Dated April 23, 1902

To secure the payment unto third party of the sum of $1000 according to the terms of a promissory note of even date herewith, with interest at the rate and in the manner and at the times and upon the terms therein specified all in United States gold coin and to secure all other or further advances.

Doth grant, bargain, sell, convey and confirm unto second party, his successors or assigns, the following described real property situate in the City of San Jose, County of Santa Clara, State of California, to wit:

(Same as described in Liber 181 of Deeds, page 434 Luis A. Arguello to James S. Arguello)

Upon trust to reconvey all the estate in the premises by this instrument granted, unto said James S. Arguello, his heirs and assigns, if payment be made of all sums due third party, in default of such payment second party to sell above granted premises at public auction after advertisement according to law.

Acknd. April 23, 1902

Before W. C. Kennedy, N. P.

Recorded April 25, 1902

Liber Q Trust Deeds, page 394.

TAXES

STATE COUNTY AND CITY

Fiscal Years

1901-1902)
)
and : PAID
)
1902-1903)

1903-1904 Now a Lien

NO JUDGMENT LIENS

The foregoing CONTINUATION consisting of pages 562 to 564 inclusive, made at SAN JOSE, CALIFORNIA, SEPTEMBER SEVENTEENTH 1903 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY.

By J M Hetman

Manager.